

BILL LUSK
Mayor

PHILLIP A. NOBLETT
Town Attorney

HONNA K. ROGERS
Town Manager



SUSAN ROBERTSON
Vice Mayor

PAUL M. HENDRICKS
Councilmember

HERSHEL DICK
Councilmember

ANNETTE ALLEN
Councilmember

Town of Signal Mountain

1111 RIDGEWAY AVENUE
SIGNAL MOUNTAIN, TENNESSEE 37377
423-886-2177

REGULAR MONTHLY MEETING OF SIGNAL MOUNTAIN TOWN COUNCIL, MONDAY, June 14, 2010 TOWN HALL, 6:30 P.M.

AGENDA

1. Pledge
2. Prayer
3. Roll Call
4. Approval of minutes:
 - a. Agenda Meeting May 6, 2010
 - b. Regular Meeting May 10, 2010
 - c. Agenda Meeting June 4, 2010
5. Honorary Resolutions
 - a. Recognizing Flag Day
6. Presentation
 - a. Final Report from Christian Rushing, KCRW, Commercial Design Review Guidelines
7. Appeal
 - a. DRC Ruling – Guthrie’s Restaurant
8. Citizens Opportunity to Address Council (Three minute time limit)
9. Resolutions
 - a. Awarding ARRA resurfacing bid (James Blvd)
 - b. Awarding ARRA resurfacing bid (Palisades Dr)
 - c. Awarding ARRA traffic signal upgrade bid
 - d. Approving Employee Health Insurance contract
 - e. Approving Employee Dental Insurance contract
10. Ordinances
 - a. FY11 Budget Ordinance (1st Reading)
 - b. FY 10 Budget Amendment (1st Reading)
 - c. Flood Control Ordinance (1st Reading)
 - d. Adopting new fee (DRC) (1st Reading)
 - e. Adopting new zoning language regarding massage by a licensed therapist (1st reading)
 - f. Municipal Landscape Ordinance (2nd Reading)
11. Discussions
 - a. Other items of business
12. Other Business
13. Adjourn

RESOLUTION NO. _____

A RESOLUTION RECOGNIZING AND HONORING FLAG DAY 2010.

WHEREAS, on June 14, 1777 the Continental Congress "*Resolved, that the flag of the thirteen United States shall be thirteen stripes, alternate red and white; that the Union be thirteen stars, white on a blue field, representing a new constellation;*" and,

WHEREAS, the first national observance of Flag Day occurred June 14, 1877, the centennial of the original flag resolution; and,

WHEREAS, in 1916 President Woodrow Wilson issued a proclamation calling for a nationwide observance of Flag Day on June 14, and in 1949, Congress made this day a permanent observance by resolving, "That the 14th day of June of each year is hereby designated as Flag Day," and the measure was signed into law by President Harry Truman; and,

WHEREAS, the American Flag has been an iconic image since the War of 1812, when it inspired the writing of the "Star-Spangled Banner," to its raising by US Marines during the Battle of Iwo Jima, to its inspirational display by proud firefighters during the rescue efforts after the 9/11 attacks; and,

WHEREAS, the American Flag is regarded as the symbol of our country and the principles of freedom and equality that we believe in;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE that the Town Council recognizes and honors Flag Day 2010 and urges all citizens to fly the flag today and on all National holidays.

MAYOR

RECORDER

DATE

DATE

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TALLEY CONSTRUCTION COMPANY, INC. FOR ASPHALT RESURFACING OF SECTIONS OF JAMES BOULEVARD IN THE AMOUNT OF TWO HUNDRED AND THIRTY THREE THOUSAND AND EIGHT HUNDRED AND NINETY NINE AND 25/100 DOLLARS (\$233,899.25) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD.

WHEREAS, bids were requested and tabulation sheets have been received for asphalt resurfacing of sections of James Boulevard, and,

WHEREAS, the Town Manager has reviewed all bids submitted and has recommended that the bid by Talley Construction Company, Inc. be accepted as the lowest and best bid for this project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE that the contract is awarded to Talley Construction Company, Inc. for the asphalt resurfacing of sections of James Boulevard in the amount of \$233,899.25 as the lowest and best bid for the project and further authorizing the Town Manager to execute any necessary documents in connection with this award.

MAYOR

RECORDER

DATE

DATE

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TALLEY CONSTRUCTION COMPANY, INC. FOR ASPHALT RESURFACING OF SECTIONS OF NORTH PALISADES DRIVE IN THE AMOUNT OF ONE HUNDRED AND FIFTY EIGHT THOUSAND AND TWO HUNDRED AND EIGHTY NINE AND 63/100 DOLLARS (\$158,289.63) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD.

WHEREAS, bids were requested and tabulation sheets have been received for asphalt resurfacing of sections of North Palisades Drive from its intersection with South Palisades Drive to the Town limits, and,

WHEREAS, the Town Manager has reviewed all bids submitted and has recommended that the bid by Talley Construction Company, Inc. be accepted as the lowest and best bid for this project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE that the contract is awarded to Talley Construction Company, Inc. for the asphalt resurfacing of sections of North Palisades Drive in the amount of \$158,289.63 as the lowest and best bid for the project and further authorizing the Town Manager to execute any necessary documents in connection with this award.

MAYOR

RECORDER

DATE

DATE

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE TRAFFIC SIGNAL UPGRADE ON HIGHWAY 127 TO STANSELL ELECTRIC COMPANY, INC. IN THE AMOUNT OF EIGHTY SIX THOUSAND FIVE HUNDRED AND FORTY TWO AND 20/100 DOLLARS (\$86,542.20) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD.

WHEREAS, bids were requested and tabulation sheets have been received for a traffic signal upgrade to the one Town traffic signal located on Highway 127, and,

WHEREAS, the Town Manager has reviewed all bids submitted and has recommended that the bid by Stansell Electric Company, Inc. be accepted as the lowest and best bid for this project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE that the contract for the traffic signal upgrade to the one Town traffic signal located on Highway 127 is awarded to Stansell Electric Co, Inc. in the amount of \$86,542.20 as the lowest and best bid for the project and further authorizing the Town Manager to execute any necessary documents in connection with this award.

MAYOR

RECORDER

DATE

DATE

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH BLUE CROSS BLUE SHIELD OF TENNESSEE TO PROVIDE MEDICAL INSURANCE FOR ALL TOWN EMPLOYEES FOR A PERIOD OF ONE YEAR BEGINNING JULY 1, 2010 BASED UPON PREMIUMS NOT TO EXCEED \$317.07 PER MONTH FOR SINGLE COVERAGE AND \$820.26 PER MONTH FOR FAMILY COVERAGE.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to enter into an agreement with Blue Cross Blue Shield of Tennessee to provide medical insurance for all Town employees for a period of one (1) year beginning July 1, 2010. The premiums for Town employees shall not exceed \$317.07 per month for single coverage and \$820.26 per month for family coverage.

MAYOR

RECORDER

DATE

DATE

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A RENEWAL CONTRACT WITH SUN LIFE FINANCIAL INSURANCE COMPANY FOR DENTAL INSURANCE COVERAGE FOR TOWN OF SIGNAL MOUNTAIN EMPLOYEES AT THE RATE OF \$21.87 PER MONTH FOR INDIVIDUAL EMPLOYEES AND \$68.04 PER MONTH FOR EMPLOYEES AND THEIR FAMILIES EFFECTIVE JULY 1, 2010 THROUGH JUNE 30, 2011.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that the Town Manager be and is hereby authorized to enter into a renewal contract for dental insurance coverage for the Town of Signal Mountain employees for the term of July 1, 2010 through June 30, 2011 to Sun Life Financial Insurance Company. The cost of this dental insurance coverage shall be at the rate of \$21.87 for individual employees and \$68.04 per month for employees and families.

MAYOR

RECORDER

DATE

DATE

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE TOWN OF SIGNAL MOUNTAIN HEREINAFTER KNOWN AS THE "FY 2010-2011 BUDGET ORDINANCE" TO PROVIDE REVENUE FOR THE TOWN OF SIGNAL MOUNTAIN DURING THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011, AND APPROPRIATING SAME TO THE PAYMENT OF THE EXPENSES OF THE MUNICIPAL GOVERNMENT DURING SAID FISCAL YEAR; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE TOWN OF SIGNAL MOUNTAIN FOR FISCAL YEAR 2010-2011 AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTIES ON ALL DELINQUENT TAXES AND PRIVILEGES OWED TO THE TOWN OF SIGNAL MOUNTAIN AND APPROPRIATING SAME TO THE PAYMENT OF THE EXPENSES OF THE MUNICIPAL GOVERNMENT DURING SAID FISCAL YEAR.

WHEREAS, pursuant to and in compliance with the provisions of the Charter of the Town of Signal Mountain, Tennessee, revenue has been estimated for operating the municipal government for fiscal year 2010-2011 from all Town revenue sources; and

WHEREAS, the Signal Mountain Town Council is authorized to adopt an ordinance establishing and amending a property tax levy pursuant to the Charter of the Town of Signal Mountain.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, THAT:

SECTION 1. That the budgets of the various departments, agencies, boards, commissions, offices, divisions or branches of Town government for the fiscal year beginning July 1, 2010 are hereinafter set out on the attached FY 2010-2011 Budget and the amount so fixed for each department, agency, board, commission, office, division or branch of Town

Government is hereby appropriated out of the estimated revenue for said year for the use of that department, agency, board, commission, office, division or branch of government in accordance with the attached FY 2010-2011 Budget.

SECTION 2. For the purpose of raising revenue to operate the various departments, agencies, boards, commissions, offices, divisions or branches of the municipal government, and to pay the interest on and retire bonds of said Town as they mature, there be and is hereby levied on all taxable property within the Town of Signal Mountain, Tennessee, a revised tax for the year 2010 at a rate of \$1.5134 upon every \$100.00 in assessed value of such taxable property and to the extent applicable, there is also levied a tax at the same rate upon every \$100.00 of merchant and other ad valorem taxable items within the corporate limits of the Town of Signal Mountain, Tennessee.

SECTION 3. The assessment made by the Assessor of Property of Hamilton County, Tennessee, and by the Tennessee Regulatory Agency for 2010 on all property located within the corporate limits of the Town of Signal Mountain, Tennessee, shall be adopted as the assessment of the Town of Signal Mountain.

SECTION 4. That the taxes herein levied on all taxable property within the corporate limits of the Town of Signal Mountain shall come due and payable at the Office of the Town Manager on October 1, 2010, and shall become delinquent on March 1, 2011, after which the unpaid taxes shall bear interest at Twelve and 00/100 Percent (12.00%) per annum and subject to a penalty of Six Percent (6%) per annum, plus other penalties as provided by law, which shall be paid by the taxpayer; provided, except for taxpayers receiving tax relief under T.C.A. § 67-5-702 through § 67-5-705.

SECTION 5. That this Ordinance shall become effective immediately upon its passage as provided by law.

Passed First Reading _____, 2010.

Passed Second Reading _____, 2010.

MAYOR

RECORDER

TOWN OF SIGNAL MOUNTAIN
PROPOSED FISCAL YEAR 7/1/2010 - 6/30/2011 BUDGET

	Actual <u>2009</u>	Budgeted <u>2010</u>	Projected <u>2010</u>	Budget <u>2011</u>
I. GENERAL FUND				
A. Revenues	\$ 3,849,838	\$ 3,770,575	\$ 3,798,939	\$ 3,814,900
1. Local taxes	1,218,227	895,700	960,777	1,068,200
2. Intergovernmental	147,347	140,237	128,294	141,350
3. Charges for services	39,705	46,749	65,000	60,000
4. Fines, forfeitures, penalties	28,209	30,700	27,765	26,945
5. License & permits	184,964	174,030	1,361,739	1,207,505
6. Miscellaneous revenue	725,854	52,758	64,000	
7. Revenue from (- to) restricted fund balance			38,552	(202,094)
8. Revenue from (- to) fund balance				(202,094)
Total revenues	<u>\$ 6,194,144</u>	<u>\$ 5,110,749</u>	<u>\$ 6,445,066</u>	<u>\$ 6,116,806</u>
 B. Expenditures				
1. Financial Admin	\$ 449,479	\$ 459,591	\$ 472,619	\$ 621,162
2. Judicial	49,236	46,390	45,129	47,202
3. Building Inspector	34,727	37,282	35,378	36,695
4. Police	1,118,124	1,161,117	1,083,370	1,124,497
5. Fire	1,014,301	1,105,424	1,078,463	1,098,861
6. Public Works	454,832	521,461	459,425	515,405
7. Recreation	318,738	300,430	360,203	320,786
8. Library	141,552	140,346	132,698	139,803
9. Mountain Arts Center	110,234	119,382	1,524,650	225,040
10. Debt Service	1,402,977	769,635	833,980	814,355
11. Transfer to Solid Waste Fund	824,715	449,691	419,151	373,000
12. Transfer to Capital Projects	275,229	-	-	700,000
13. ARRA Funding	-	-	-	100,000
Total expenditures	<u>\$ 6,194,144</u>	<u>\$ 5,110,749</u>	<u>\$ 6,445,066</u>	<u>\$ 6,116,806</u>

C. Net Asset Balance anticipated on June 30, 2010 = \$3,941,300

Net Asset Balance anticipated on June 30, 2011 = \$4,143,400

D. Full-Time equivalent positions in this Fund = 66.17

II. STATE STREET AID

A. Revenues	\$	203,661	\$	820,110	\$	250,000	\$	463,400
1. Intergovernmental - State		-		-		-		435,110
2. Intergovernmental - Federal		1,851		2,100		367		500
3. Miscellaneous revenues		19,329		199,900		(90,989)		176,100
4. Revenue from (-to) fund balance								
Total revenues	\$	<u>224,841</u>	\$	<u>1,022,110</u>	\$	<u>159,378</u>	\$	<u>1,075,110</u>

B. Expenditures	\$	224,841	\$	1,022,110	\$	159,378	\$	640,000
1. All expenditures		-		-		-		435,110
2. ARRA Funding								
Total expenditures	\$	<u>224,841</u>	\$	<u>1,022,110</u>	\$	<u>159,378</u>	\$	<u>1,075,110</u>

C. Net Asset Balance anticipated on June 30, 2010 = \$665,600

Net Asset Balance anticipated on June 30, 2011 = \$489,500

D. F/T Employees = 0

III. SOLID WASTE FUND

A. Revenues	\$	29,391	\$	33,615	\$	24,944	\$	34,500
1. Local taxes/revenues		42,527		20,800		73,043		10,355
2. Miscellaneous revenues		824,715		449,691		419,151		373,000
3. Operating transfers in		(3,309)		-		-		80,361
4. Revenue from (-to) fund balance								
Total revenues	\$	<u>893,324</u>	\$	<u>504,106</u>	\$	<u>517,138</u>	\$	<u>498,216</u>

B. Expenditures	\$	893,324	\$	504,106	\$	517,138	\$	498,216
1. All expenditures								
Total expenditures	\$	<u>893,324</u>	\$	<u>504,106</u>	\$	<u>517,138</u>	\$	<u>498,216</u>

C. Net Asset Balance anticipated on June 30, 2010 = \$223,600

Net Asset Balance anticipated on June 30, 2011 = \$143,200

D. F/T Employees = 2.65

IV. POLICE DRUG FUND

A. Revenue	\$	1,960	\$	1,300	\$	3,001	\$	1,500
1. Fines, forfeitures, penalties		194		350		65		65
2. Other revenue		8,119		7,950		4,884		7,435
3. Revenue from (-to) fund balance								
Total revenues	\$	<u>10,273</u>	\$	<u>9,600</u>	\$	<u>7,950</u>	\$	<u>9,000</u>

B. Expenditures	\$	10,273	\$	9,600	\$	7,950	\$	9,000
1. All expenditures								
Total Expenditures	\$	<u>10,273</u>	\$	<u>9,600</u>	\$	<u>7,950</u>	\$	<u>9,000</u>

C. Net Asset Balance anticipated on June 30, 2010 = \$11,600

Net Asset Balance anticipated on June 30, 2011 = \$4,200

D. F/T Employees = 0

V. WATER FUND

A. Revenue	\$	1,255,555	\$	1,484,500	\$	1,241,340	\$	1,281,900
1. Other revenue/user fees		(110,167)		362,308		28,195		649,085
2. Revenue from (-to) fund balance								
Total revenues	\$	<u>1,145,388</u>	\$	<u>1,846,808</u>	\$	<u>1,269,535</u>	\$	<u>1,930,985</u>

B. Expenditures	\$	1,145,388	\$	1,846,808	\$	1,269,535	\$	1,930,985
1. All expenditures								
Total Expenditures	\$	<u>1,145,388</u>	\$	<u>1,846,808</u>	\$	<u>1,269,535</u>	\$	<u>1,930,985</u>

C. Net Asset Balance (Cash Basis) anticipated on June 30, 2010 = \$2,585,600

Net Asset Balance (Cash Basis) anticipated on June 30, 2011 = \$2,112,500

D. F/T Employees = 6.0

VI. STORMWATER FUND

A. Revenue

1. User fees	\$ 245,281	\$ 242,550	\$ 255,000	\$ 253,000
2. Miscellaneous revenue	1,979	1,450	578	750
3. Revenue from (-to) fund balance	(83,704)	60,044	39,644	82,686
Total revenues	<u>\$ 163,556</u>	<u>\$ 304,044</u>	<u>\$ 295,222</u>	<u>\$ 336,436</u>

B. Expenditures

1. All expenditures	\$ 163,556	\$ 304,044	\$ 295,222	\$ 336,436
Expenditures	<u>\$ 163,556</u>	<u>\$ 304,044</u>	<u>\$ 295,222</u>	<u>\$ 336,436</u>

C. Net Asset Balance (Cash Basis) anticipated on June 30, 2010 = \$211,700

Net Asset Balance (Cash Basis) anticipated on June 30, 2010 = \$158,700

D. F/T Employees = 1.60

VII. LIBRARY BOARD FUND

A. Revenue

1. Revenue	\$ 3,103	\$ 20	\$ 15	\$ 20
2. Revenue from fund balance	(2,865)	(20)	15	(20)
Total revenues	<u>\$ 238</u>	<u>\$ -</u>	<u>\$ 30</u>	<u>\$ -</u>

B. Expenditures

1. All expenditures	\$ 238	\$ -	\$ 30	\$ -
Expenditures	<u>\$ 238</u>	<u>\$ -</u>	<u>\$ 30</u>	<u>\$ -</u>

C. Net Asset Balance anticipated on June 30, 2010 = \$15,900

Net Asset Balance anticipated on June 30, 2011 = \$15,900

D. F/T Employees = 0

VIII. CAPITAL PROJECTS FUND

A. Revenue

1. Operating transfers in	\$ 277,729	\$ -	\$ -	\$ 700,000
2. Miscellaneous revenue	22,400	14,500	11,000	12,000
3. Revenue from fund balance	(300,129)	(14,500)	(11,000)	25,000
Total revenues	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 737,000</u>

B. Expenditures

1. All expenditures	\$ -	\$ -	\$ -	\$ 737,000
Expenditures	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 737,000</u>

C. Net Asset Balance anticipated on June 30, 2010 = \$997,300

Net Asset Balance anticipated on June 30, 2011 = \$972,300

D. F/T Employees = 0

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 2009-11, ENTITLED THE "FY 2009-2010 BUDGET ORDINANCE" SO AS TO PROVIDE FOR CERTAIN ADDITIONAL REVENUES RECEIVED IN THIS BUDGET YEAR IN THE AMOUNT OF ONE MILLION AND THREE HUNDRED AND EIGHTY EIGHT THOUSAND AND ONE HUNDRED AND 00/100 DOLLARS (\$1,388,100.00) WHICH SHALL BE USED FOR ADDITIONAL EXPENDITURES IN THE GENERAL FUND BUDGET AND WHICH SHALL INCLUDE AN INCREASE FOR CONTRACT SERVICES IN THE FINANCE ADMINISTRATION DEPARTMENT IN THE AMOUNT OF SEVENTEEN THOUSAND AND 00/100 DOLLARS (\$17,000.00); A DECREASE IN THE POLICE DEPARTMENT IN THE AMOUNT OF SIXTY NINE THOUSAND AND 00/100 DOLLARS (\$69,000.00); FOR A DECREASE IN THE FIRE DEPARTMENT IN THE AMOUNT OF EIGHTEEN THOUSAND AND 00/100 DOLLARS (\$18,000.00); FOR A DECREASE IN THE PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF FIFTY ONE THOUSAND FOUR HUNDRED AND 00/100 DOLLARS (\$51,400.00); FOR ADDITIONAL REPAIRS AND CHEMICAL COSTS IN THE RECREATION DEPARTMENT IN THE AMOUNT OF SIXTY FOUR THOUSAND AND 00/100 DOLLARS (\$64,000); FOR A DECREASE IN THE LIBRARY DEPARTMENT IN THE AMOUNT OF FOUR THOUSAND AND 00/100 DOLLARS (\$4,000.00); TO PROVIDE FOR NON-MONETARY REVENUE REQUIRED BY GASB STANDARDS REGARDING THE BUILDING GIFT AT THE MOUNTAIN ARTS COMMUNITY CENTER IN THE AMOUNT OF ONE MILLION AND FOUR HUNDRED AND FOURTEEN THOUSAND AND 00/100 DOLLARS (\$1,414,000.00); TO PROVIDE FOR ADDITIONAL FUNDING ON PRINCIPAL PAYMENT IN DEBT SERVICE IN THE AMOUNT OF SIXTY FIVE THOUSAND AND FIVE HUNDRED AND 00/100 DOLLARS (\$65,500.00); FOR A DECREASE IN TRANSFER TO THE SOLID WASTE FUND IN THE AMOUNT OF THIRTY THOUSAND AND 00/100 (\$30,000.00), AS SET FORTH IN THE ATTACHED AMENDED BUDGET DURING THIS FISCAL YEAR. ALSO, TO PROVIDE FOR CERTAIN ADDITIONAL REVENUES RECEIVED IN THE FY 2009-2010 BUDGET YEAR IN THE AMOUNT OF THIRTEEN THOUSAND ONE HUNDRED AND 00/100 DOLLARS (\$13,100.00) WHICH SHALL BE USED FOR ADDITIONAL EXPENDITURES IN THE SOLID WASTE FUND BUDGET FOR ADDITIONAL CONTRACT SERVICES IN THE PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF THIRTEEN THOUSAND ONE HUNDRED 00/100 DOLLARS (\$13,100.00).

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL

MOUNTAIN, TENNESSEE:

SECTION 1. That Ordinance No. 2009-11 entitled the "FY 2009-2010 Budget Ordinance" is hereby amended to provide for certain changed revenues and expenditures occurring during fiscal year 2009-2010.

SECTION 2. That Ordinance No. 2009-11, as set forth above, be and the same is hereby amended to provide for certain additional revenues received in this budget year in the amount of \$1,388,100.00 which shall be used for Additional Expenditures in the General Fund Budget which shall include an increase for contract services in the Financial Administration Department in the amount of \$17,000.00; for a decrease in the Police Department in the amount of \$69,000.00; for a decrease in the Fire Department in the amount of \$18,000.00; for a decrease in the Public Works Department in the amount of \$51,400.00; for additional repairs and chemical costs in the Recreation Department in the amount of \$64,000.00; for non-monetary revenue required by GASB standards regarding the building gift in the Mountain Arts Community Center Department in the amount of \$1,414,000.00; for additional funding for principal payment in the Debt Service in the amount of \$65,500.00; and for a decrease in the transfer to the Sanitation Fund in the amount of \$30,000.00, as set forth in the Amended Town of Signal Mountain FY 2009-2010 General Fund Budget, which is attached hereto as Exhibit 1.

SECTION 3. That Ordinance No. 2009-11, as set forth above, be and the same is also amended to provide for certain additional revenues received in the FY 2009-2010 budget year in the Solid Waste Fund in the amount of \$13,100.00 which shall be used for Additional Expenditures for additional contract services in the Garbage Department in the amount of \$13,100.00, as set forth in the Amended Town of Signal Mountain FY 2009-2010 Budget, which is attached hereto as Exhibit

1.

SECTION 4. That this Ordinance shall become effective immediately from and after its passage as provided by law

Passed First Reading _____, 2010.

Passed Second Reading _____, 2010.

MAYOR

RECORDER

TOWN OF SIGNAL MOUNTAIN
FISCAL YEAR 7/1/2009 - 6/30/2010 BUDGET

	Actual <u>2009</u>	Budgeted <u>2010</u>	<u>Adjustment</u>	Adjusted Budget <u>2010</u>
I. GENERAL FUND				
A. Revenues				
1. Taxes	\$ 3,849,838	\$ 3,770,575		\$ 3,770,575
2. License & permits	28,209	30,700		30,700
3. Intergovernmental - State	1,176,336	892,700		892,700
4. Intergovernmental - Federal	41,891	3,000		3,000
5. Charges for services - MACC	43,161	43,000		43,000
6. Charges for services - Recreation	86,007	81,337		81,337
7. Charges for services - Library	16,644	14,600		14,600
8. Charges for services - Misc	1,535	1,300		1,300
9. Fines, forfeitures, penalties	39,705	46,749		46,749
10. Other revenue	184,964	174,030	1,225,000	1,399,030
11. Revenue from (- to) restricted fund balance	615,311		64,000	64,000
12. Revenue from (- to) fund balance	110,543	52,758	99,100	151,858
Total revenues	<u>\$ 6,194,144</u>	<u>\$ 5,110,749</u>	<u>\$ 1,388,100</u>	<u>\$ 6,498,849</u>
B. Expenditures				
1. Financial Admin	449,479	459,592	17,000	476,592
2. Judicial	49,236	46,390	-	46,390
3. Building Inspector	34,727	37,282	-	37,282
4. Police	1,118,124	1,161,117	(69,000)	1,092,117
5. Fire	1,014,301	1,105,424	(18,000)	1,087,424
6. Public Works	454,832	521,461	(51,400)	470,061
7. Recreation	318,738	300,429	64,000	364,429
8. Library	141,552	140,346	(4,000)	136,346
9. Mountain Arts Center	110,234	119,382	1,414,000	1,533,382
10. Debt Service	1,402,977	769,635	65,500	835,135
11. Transfer to Solid Waste Fund	824,715	449,691	(30,000)	419,691
12. Transfer to Capital Projects	275,229	-	-	-
Total expenditures	<u>\$ 6,194,144</u>	<u>\$ 5,110,749</u>	<u>\$ 1,388,100</u>	<u>\$ 6,498,849</u>

C. Net Asset Balance on June 30, 2009 = \$4,104,400

Net Asset Balance anticipated on June 30, 2010 = \$3,941,300

D. F/T Employees = 66.17

II. STATE STREET AID

A. Revenues

1. Intergovernmental - State	\$	203,661	\$	385,000		\$	385,000
2. Intergovernmental - Federal		-		435,110			435,110
3. Other revenues		1,851		2,100			2,100
4. Revenue from (-to) fund balance		19,329		199,900			199,900
Total revenues	\$	<u>224,841</u>	\$	<u>1,022,110</u>		\$	<u>1,022,110</u>

B. Expenditures

1. All expenditures	\$	224,841	\$	1,022,110		\$	1,022,110
Total expenditures	\$	<u>224,841</u>	\$	<u>1,022,110</u>		\$	<u>1,022,110</u>

C. Net Asset Balance on June 30, 2009 = \$574,600

Net Asset Balance anticipated on June 30, 2010 = \$665,600

D. F/T Employees = 0

III. SOLID WASTE FUND

A. Revenues

1. Local taxes/revenues	\$	29,391	\$	33,615		\$	33,615
2. Other revenues		42,527		20,800			33,900
3. Operating transfers in		824,715		449,691	13,100		449,691
4. Revenue from (-to) fund balance		(3,308)		-			-
Total revenues	\$	<u>893,325</u>	\$	<u>504,106</u>	<u>13,100</u>	\$	<u>517,206</u>

B. Expenditures

1. Garbage & brush	\$	832,044	\$	446,946	12,000	\$	458,946
3. Recycle		61,281		57,160	1,100		58,260
Total expenditures	\$	<u>893,325</u>	\$	<u>504,106</u>	<u>13,100</u>	\$	<u>517,206</u>

C. Net Asset Balance on June 30, 2009 = \$223,600

Net Asset Balance anticipated on June 30, 2010 = \$223,600

D. F/T Employees = 2.5

IV. POLICE DRUG FUND

A. Revenue

1. Fines, forfeitures, penalties	\$	1,960	\$	1,350		\$	1,350
2. Other revenue		194		300			300
3. Revenue from (-to) fund balance		8,119		7,950			7,950
Total revenues	\$	<u>10,273</u>	\$	<u>9,600</u>		\$	<u>9,600</u>

B. Expenditures

1. All expenditures	\$	10,273	\$	9,600		\$	9,600
Expenditures	\$	<u>10,273</u>	\$	<u>9,600</u>		\$	<u>9,600</u>

C. Net Asset Balance on June 30, 2009 = \$16,500

Net Asset Balance anticipated on June 30, 2010 = \$11,600

D. F/T Employees = 0

V. WATER FUND

A. Revenue

1. Other revenue/user fees	\$	1,255,555	\$	1,853,745		\$	1,853,745
2. Revenue from (-to) fund balance		(110,167)		(6,937)			(6,937)
Total revenues	\$	<u>1,145,388</u>	\$	<u>1,846,808</u>		\$	<u>1,846,808</u>

B. Expenditures

1. All expenditures	\$	1,145,388	\$	1,846,808		\$	1,846,808
Total Expenditures	\$	<u>1,145,388</u>	\$	<u>1,846,808</u>		\$	<u>1,846,808</u>

- C. Net Asset Balance (Cash Basis) on June 30, 2009 = \$2,445,800
Net Asset Balance (Cash Basis) anticipated on June 30, 2010 = \$2,585,600
- D. F/T Employees = 6.0

VI. STORMWATER FUND

A. Revenue

1. Local taxes	\$ 245,281	\$ 242,550	\$ 242,550
2. Other revenue/user fees	1,979	1,450	1,450
3. Revenue from (-to) fund balance	(83,704)	60,044	60,044
Total revenues	<u>\$ 163,556</u>	<u>\$ 304,044</u>	<u>\$ 304,044</u>

B. Expenditures

1. All expenditures	\$ 163,556	\$ 304,044	\$ 304,044
Expenditures	<u>\$ 163,556</u>	<u>\$ 304,044</u>	<u>\$ 304,044</u>

- C. Net Asset Balance (Cash Basis) on June 30, 2009 = \$221,300
Net Asset Balance (Cash Basis) anticipated on June 30, 2010 = \$211,700
- D. F/T Employees = 1.60

VII. LIBRARY BOARD FUND

A. Revenue

1. Other revenue	\$ 3,103	\$ 15	\$ 15
2. Revenue from fund balance	(2,865)	-	0
Total revenues	<u>\$ 238</u>	<u>\$ 15</u>	<u>\$ 15</u>

B. Expenditures

1. All expenditures	\$ 238	\$ -	\$ 0
Expenditures	<u>\$ 238</u>	<u>\$ -</u>	<u>\$ 0</u>

- C. Net Asset Balance on June 30, 2009 = \$15,900
Net Asset Balance anticipated on June 30, 2010 = \$15,900
- D. F/T Employees = 0

VIII. CAPITAL PROJECTS FUND

A. Revenue

1. Other revenue	\$ 300,129	\$ 14,500	\$ 14,500
2. Revenue from fund balance			
Total revenues	<u>\$ 300,129</u>	<u>\$ 14,500</u>	<u>\$ 14,500</u>

B. Expenditures

1. All expenditures	\$ -	\$ -	\$ -
Expenditures	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

- C. Net Asset Balance on June 30, 2009 = \$986,300
Net Asset Balance anticipated on June 30, 2010 = \$997,300
- D. F/T Employees = 0

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 18 TO CREATE A NEW CHAPTER 9 ENTITLED "FLOOD INSURANCE REGULATIONS" WHICH IS ADOPTED PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 6-19-101 FOR THE PURPOSE OF REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF SIGNAL MOUNTAIN, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, That Title 18 is amended to create a new Chapter 9 entitled "Flood Insurance Regulations" which is adopted pursuant to Tennessee Code Annotated § 6-19-101, for the purpose of regulating development within the corporate limits of Signal Mountain, Tennessee, to minimize danger to life and property due to flooding, and to maintain eligibility for participation in the National Flood Insurance Program, as follows:

CHAPTER 9. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

18-901. Statutory Authorization

The Legislature of the State of Tennessee has in Tennessee Code Annotated Section 6-19-101 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Signal Mountain, Tennessee, Mayor and Town Council do ordain as follows:

18-902. Findings of Fact

- A. The Town of Signal Mountain, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
- B. Areas of the Town of Signal Mountain, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- C. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

18-903. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

- A. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- B. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging and other development which may increase flood damage or erosion;

Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

18-904. Objectives

The objectives of this Ordinance are:

- A. To protect human life, health, safety and property;
- B. To minimize expenditure of public funds for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
- F. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
- G. To ensure that potential homebuyers are notified that property is in a floodprone

area;

- H. To maintain eligibility for participation in the NFIP.

18-905. - DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

Accessory Structure - a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

- A. Accessory structures shall only be used for parking of vehicles and storage.
- B. Accessory structures shall be designed to have low flood damage potential.
- C. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- D. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- E. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

Addition (to an existing building) – any walled and roofed expansion to the perimeter or height of a building.

Appeal – a request for a review of the local enforcement officer’s interpretation of any provision of this Ordinance or a request for a variance.

Area of Shallow Flooding - means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood-related Erosion Hazard - the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

Area of Special Flood Hazard – See “Special Flood Hazard Area”

Base Flood - the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance

flood.

Basement - any portion of a building having its floor subgrade (below ground level) on all sides.

Building - See "Structure"

Development - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

Elevated Building - a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Emergency Flood Insurance Program" or Emergency Program - the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

Erosion - the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

Exception - a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

Existing Construction - any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

Existing Manufactured Home Park or Subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

Existing Structures - See "Existing Construction"

Expansion to an Existing Manufactured Home Park or Subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Determination - a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study - an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM) - an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (FIRM) - an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

Flood Insurance Study - is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

Floodplain or Floodprone Area - any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain Management - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Flood Protection System - those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

Flood-related Erosion - the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-related Erosion Area or Flood-related Erosion Prone Area - a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

Flood-related Erosion Area Management - the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade - the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

Historic Structure - any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on the Town of Signal Mountain, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By the approved Tennessee program as determined by the Secretary of the Interior or
 2. Directly by the Secretary of the Interior.

Levee - a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee System - a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor - the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map - the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

Mean Sea Level - the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD) - as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction - any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

New Manufactured Home Park or Subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

North American Vertical Datum (NAVD) - as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

100-year Flood - See "**Base Flood**".

Person - includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Reasonably Safe from Flooding - base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

Recreational Vehicle - a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck;
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Special Hazard Area - an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

Start of Construction - includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency - the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

Structure - for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially Improved Existing Manufactured Home Parks or Subdivisions - is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance - is a grant of relief from the requirements of this Ordinance.

Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation - the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

18-906. GENERAL PROVISIONS

Section A. Application

This Ordinance shall apply to all areas within the incorporated area of the **Town of Signal Mountain, Tennessee**.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard in the **Town of Signal Mountain, Tennessee**, as identified by FEMA, and in its **November 7, 2002**, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Hamilton County 47065 Community ID 470078 and Panel Numbers **0195, 0211, 0212, 0213, 0214, 0326, 0327**, dated **November 7, 2002**, along with all supporting technical

data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

Section D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Signal Mountain, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Signal Mountain, Tennessee from taking such other lawful actions to prevent or remedy any violation.

18-907. **ADMINISTRATION**

Section A. Designation of Ordinance Administrator

The **Building Inspector** is hereby appointed as the Administrator to implement the provisions of this Ordinance.

Section B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The

Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification

of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.

9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Signal Mountain, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

18-908. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the

- systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
 9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
 10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
 11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
 12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
 13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
 14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures";

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee Professional engineer or architect or meet or exceed the following minimum criteria:
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;

3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

- 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
- 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Article V, Sections A and B.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

- 1) Be on the site for fewer than 180 consecutive days;
- 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking

system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

- 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and with Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the **Town of Signal Mountain**, Tennessee and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted,

shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set

forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the **Town of Signal Mountain**, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

Section F. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least

three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

Section G. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section H. Standards for Unmapped Streams

Located within the Town of Signal Mountain, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

18-909. VARIANCE PROCEDURES

Section A. Board of Floodplain Review

1. Creation and Appointment

A Board of Floodplain Review is hereby established which shall consist of three (3) members appointed by the Chief Executive Officer. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Floodplain Review shall be terms of one, two, and three years, respectively. Vacancies shall be filled for any unexpired term by the Chief Executive Officer.

2. Procedure

Meetings of the Board of Floodplain Review shall be held at such times, as the Board shall determine. All meetings of the Board of Floodplain Review shall be open to the public. The Board of Floodplain Review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Board of Floodplain Review shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Board of Floodplain Review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Floodplain Review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty (\$50) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Floodplain Review all papers constituting the record upon which the appeal action was taken. The Board of Floodplain Review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Floodplain Review shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Town of Signal Mountain, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's

continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

- 3) In passing upon such applications, the Board of Floodplain Review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.

2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

18-910. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the Town of Signal Mountain, Tennessee, the most restrictive shall in all cases apply.

Section B. Severability

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

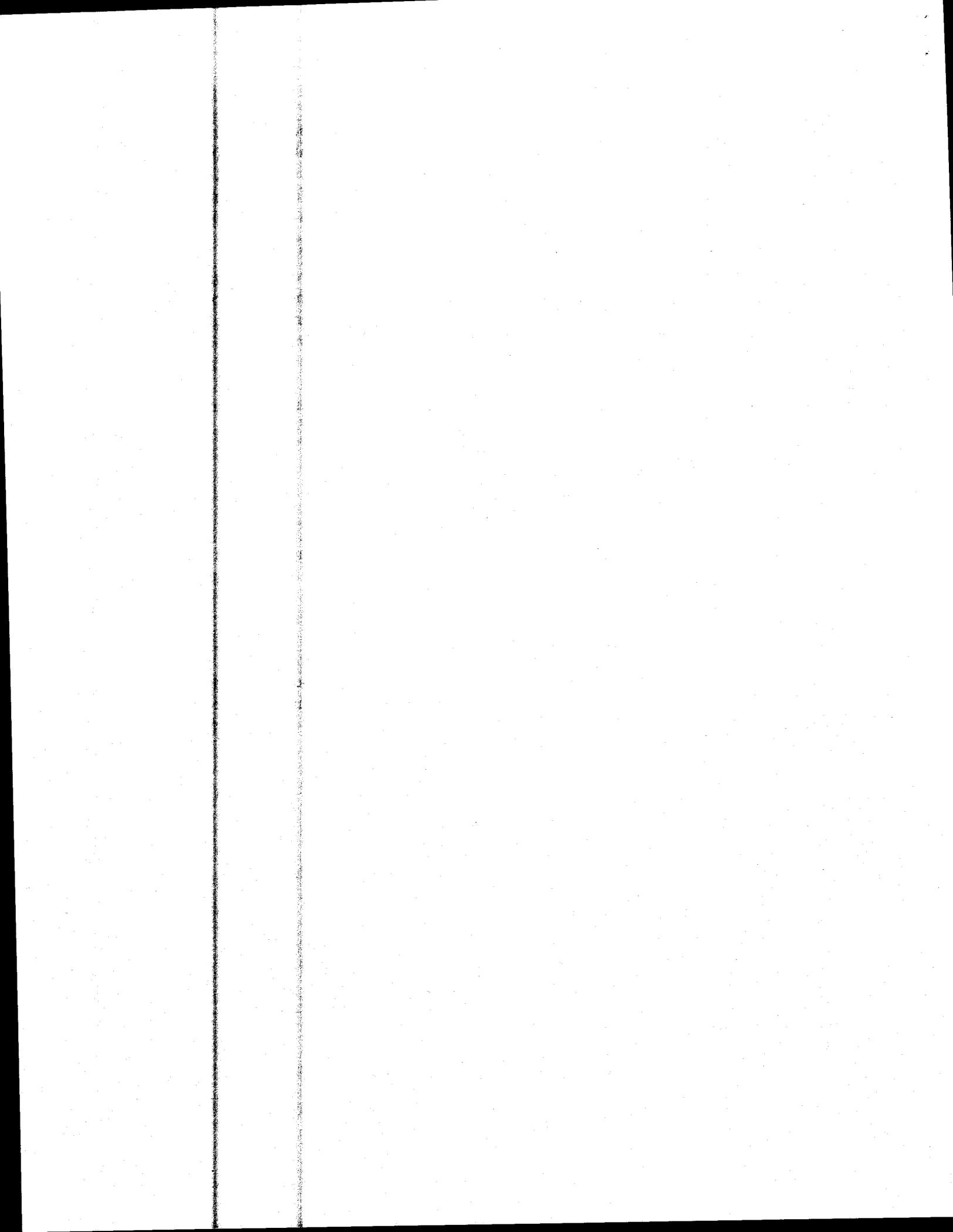
SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading _____, 2010.

Passed Second Reading _____, 2010.

Mayor

Town Recorder



ORDINANCE NO. _____

AN ORDINANCE TO CREATE AND ESTABLISH
NEW SECTIONS IN TITLE 13-201 THROUGH 13-221
WHICH SHALL BE KNOWN AS THE MUNICIPAL
LANDSCAPE ORDINANCE FOR THE TOWN
OF SIGNAL MOUNTAIN, TENNESSEE.

Section 13-201. Establishment and Purpose. One of the greatest assets of the Town of Signal Mountain, Tennessee is its extensive resource of trees and landscaping. The citizens of the Town recognize that this resource provides enhanced quality of life and other benefits to the community that include natural beauty, noise abatement, cooling, improved drainage, and water quality. However, trees and shrubs planted on public property can be both assets and liabilities to the Town. Therefore, a Municipal Landscape Ordinance is hereby necessary to promote and protect the public health, safety, and general welfare of the Town's citizens by providing for the regulation of the planting, protection, maintenance and removal of public trees and shrubs within the Town of Signal Mountain.

Section 13-202. Definitions.

1. Drip-line: The ground area below the tree canopy where the tree's feeder roots are located.
2. Nonnative Invasive Species: Any species of plant, vine, tree, or shrub capable of propagating that is not native to a particular ecosystem, and whose introduction is or is likely to cause harm to native species. (See Nonnative Invasive Plants of Southern Forests: a field guide for identification and control, by James H. Miller, U.S. Department of Agriculture, Forest Service, Asheville, NC).
3. Park Trees: Trees in public parks, and all areas owned by the Town or to which the public has free access and uses as a park.
4. Trees: Woody vegetation that obtains two (2) inches of diameter (or more) at six (6) inches above the ground.

5. Shrubs: Woody perennial plants that differ from trees by low stature and the general production of several basal stems instead of a single bole, and from perennial herbs by persistent and woody stem(s).
6. Street Trees: Trees within the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular or pedestrian traffic.
7. Town Property: All real property that is owned or leased or maintained by the Town or any part of the public right-of-way.

Section 13-203. Signal Mountain Tree Board (2010-3, Title 2, Chap. 1601-3). The Tree Board was established November 2008 to protect the Town's resource of native trees through tree advocacy and education. The Board consists of seven (7) members, five (5) of which are residents of the Town and a Town Council representative. Members are appointed by a majority vote of the Town Council and serve for three (3) year terms. Appointees have some educational and/or professional experience concerning landscaping and/or trees, which may include such occupations as landscape architect, arborist, forester, master gardener, gardener, teacher, botanist or biologist. A certified arborist and other plant professionals may serve as consultants and ad hoc members.

The Tree Board serves in an advisory capacity to the Town Council and the Town Manager to recommend the adoption of programs, policies and regulations for the protection of trees. Other duties and responsibilities include providing general advice to the public and the Town about trees including best management practices; educational outreach through schools, community events, garden clubs, National Arbor Day Foundation celebrations; active tree planting; removal of nonnative invasive species; education about nonnative invasive species; and, an Honor Tree Program. Capital needs to support the Board's programs include fund-raising and/or soliciting gifts, and memorials.

Section 13-204. Authority and Power. The Tree Board shall develop guidelines for the care of all trees and shrubs located within street rights-of-way, parks and public places of the Town. No individual, group or organization shall plant trees on public property without the recommendation and approval of the Tree Board.

The Town Manager shall have the authority to review the conduct, acts and decisions of the Tree Board, and the Tree Board or any citizen shall have the right of an appeal of any decision to the Town Council, which shall hear the matter and make the final decision or grant a reasonable variance that generally complies with the intent of this ordinance.

Section 13-205. Duties and Responsibilities. It shall be the responsibility of the Tree Board to study, investigate, counsel, develop and maintain guidelines for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas and rights-of-way. Such guidelines after acceptance and approval by the Town Council will become part of this chapter and shall be the official comprehensive town landscape policy for the Town of Signal Mountain, Tennessee.

The Tree Board shall also consider, investigate, make findings, report and recommend on any special matter of question coming within its scope upon request of the Town Council or the Town Manager.

Section 13-206. Tree Species. The Board shall develop and maintain a list of desirable trees for planting along streets in three size classes based on mature height: small (under 20 feet), medium (20 to 40 feet) and large (over 40 feet). Efforts shall be made to ensure a sufficient diversity of tree species.

Section 13-207. Spacing. The spacing of street trees will be in accordance with the three species size-classes listed in "Section 6" of this ordinance, and no street trees may be planted closer together than the following: small trees, fifteen (15) feet; medium trees, twenty-five (25) feet; and large trees, thirty-five (35) feet; except in special plantings designed and approved by a landscape architect.

Section 13-208. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curb-lines and sidewalks will be in accordance with the three species size-classes listed in "Section 13-206" of this ordinance, and no trees may be planted closer to any curb or sidewalk than three (3) feet for small trees, five (5) feet for medium trees or seven (7) feet for large trees.

Section 13-209. Distance from Street Corners and Fireplugs. No street tree shall be planted within thirty-five (35) feet of any street corner, measured from the point of nearest intersecting curbs or curb-lines. No street tree or shrub shall be planted within ten (10) lateral feet of any fireplug. No street tree shall be planted within fifteen (15) feet of any driveway/intersection as measured parallel to the street.

Section 13-210. Utilities. The building official shall regulate tree planting around utilities in compliance with any utility regulations adopted by any utility provider or building and electrical codes adopted by the Town. No street trees other than those species accepted as small trees (under 20 feet) by the Tree Board may be planted under or within ten (10) feet of any utility pole or wire or over or within five (5) lateral feet of any of any underground water line, sewer line, transmission line or other utility. The building official shall contact the utility provider to cause the removal of inappropriate tree plantings where violations may result in an immediate public health and safety risk.

Section 13-211. Public Tree Care. The Town of Signal Mountain shall plant, prune, maintain and remove trees and shrubs within the boundaries and rights-of-way of all streets, alleys, avenues, lanes, parks and public grounds as may be necessary to ensure public safety and general welfare. The Town shall also remove and attempt to control nonnative invasive species within public rights-of-way that are injurious to public trees and shrubs.

The Town Manager at his/her discretion or upon recommendation by the Tree Board or Director of Public Works shall remove or cause or order to be removed any tree or part thereof within public rights-of-way subject to the approval of the utility provider that is in an unsafe condition or that by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines and other public improvements or is affected with any injurious fungus, insect or other pest.

All work by the Town or contractors hired by the Town for tree pruning, maintenance and removal will follow the related ANSI A-300 standards and that all trees planted on public property will follow the American Standard for Nursery Stock, ANSI 60.1.

No ground-disturbing activities by private contractors or sub-contractors shall occur within the drip-line of any tree on Town property without first receiving written permission from the building official. Permission must be obtained at the Town Hall not less than 48 hours in advance of the work to be done except in emergency situations. A fee of \$10.00 shall be charged. The permission provided shall be in compliance with the provisions of this ordinance and shall contain a definite date of expiration. Permission shall be void if its terms are violated.

Section 13-212. Pruning Standards. All tree pruning on public property shall conform to the American National Standards Institute (ANSI) A300 standards for tree care operations.

Section 13-213. Tree Topping. It shall be unlawful for any person, firm or town department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs or an undesirable short length of branches within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. An ISA Certified Arborist may be retained to perform crown reductions as necessary to benefit the tree health or for reasons of public safety.

Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this ordinance based upon regulations adopted by any utility within its rights-of-way at the determination of the Town Manager and/or recommendation of the Tree Board or department head.

Section 13-214. Pruning and Corner Clearance. Owners of trees or shrubs that overhang streets or rights-of-way within the Town shall maintain any tree, hedge or shrub that prevents a clear view of traffic when approaching an intersection to three (3) feet in height for a distance of twenty-five (25) feet back from the lot line at such an intersection and remove any tree limb or branches that are less than ten (10) feet in height that are within twenty-five (25) feet of the lot line intersection. Owners of trees and shrubs shall maintain an area clear of tree limbs and shrubbery to ten (10) feet above the street surface and eight (8) feet above the sidewalk surface. Owners shall also remove all dead, diseased or dangerous trees or broken or decayed limbs that constitute a menace to public safety within

thirty (30) days following notice from the Town Manager. (2009 Code, Chap. 1, 16-102-4.)

The Town shall prune any tree or shrub on private property that interferes with the proper spread of light along a street from a streetlight or interferes with visibility of any traffic control device or sign or sight triangle at intersections that is prohibited by Section 16-104.

Section 13-215. Dead or Diseased Tree Removal on Private Property.

The Town shall have the right to cause the removal of dead or diseased trees on private property within the Town, when such trees constitute a hazard to life and property or harbor insects or disease that constitute an immediate threat to other trees within the Town. The Town Manager shall notify owners of such trees in writing to remove them at their own expense within thirty (30) days after the receipt of notice. In the event of failure by owners to comply with such provisions, the Town shall remove such trees and charge the cost of removal to the owners subject to the right of the property owner to appeal such action under Section 13-221.

Section 13-216. Protection of Trees. In order to maintain the tree canopy, reasonable efforts shall be made to replace trees that are removed from public property and to protect quality trees that are endangered on public property.

The drip-line of desirable tree species in good health shall be protected on Town property and rights-of-way as much as possible from damage during construction, sidewalk repair, and utilities work above and below ground and other similar activities.

The Tree Board shall encourage all citizens through education and advocacy to plant suitable tree and shrub species in the Town as a means to protect both public and private property.

Section 13-217. Landmark Trees. Owners of public or private trees in the Town may request that the Tree Board designate a tree of significant age or size or history that constitutes a unique asset to the community as a Signal Mountain Landmark Tree.

Section 13-218. Interference with Town Tree Board. It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or any of its

agents while engaging in and about the planting, cultivation, mulching, pruning, spraying or removing of any shrubs, street trees, park trees or trees on public grounds as authorized in this ordinance.

Section 13-219. Violations. No person shall cause the injury, mutilation or death of a tree, shrub or other plant (not including non-native invasive species) located on Town property or within Town rights-of-way by any act of vandalism or negligence or traffic accident without paying the cost of repair or replacement or the appraised dollar value of such tree, shrub or other plant. The value of trees and shrubs shall be determined in accordance with the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens, as published by the International Society of Arboriculture.

Unless specifically authorized by the Town Manager or his/her agent, no person shall intentionally damage, cut, carve, transplant or remove any tree located on Town property or within Town rights-of-way; attach any rope, wire, nails, advertising posters or other contrivances to any tree located on Town property or rights-of-way; allow any volatile liquid or solid or impervious substance (concrete, asphalt, brick, stone, etc.) that is harmful to trees and root systems to come into contact with any tree located on Town property or within Town rights-of-way; or set fire or permit any fire to burn nearby when such fire or heat thereof may injure any portion of any tree located on Town property or within Town rights-of-way; or permit grade changes around or under any tree located on Town property or Town rights-of-way; or permit storage of materials directly on the root zone of any tree located on Town property or within Town rights-of-way.

Section 13-220. Penalties. Any person acting at the will of the Town within the Town limits who violates any provision of this chapter shall be responsible for ameliorating the situation at the direction of the Town Manager after appropriate investigation, which may include a recommendation by the Tree Board and/or the Director of Public Works.

Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to any provision of this ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed \$50 for each separate offense. Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offense.

Section 18-221. Appeal. Any person aggrieved by any action or decision by the Tree Board, the Town Manager or his/her agents pursuant to this ordinance shall have the right to an appeal to the Town Council provided a written request is filed within thirty (30) days of the action upon which the appeal is based. The Town Council may hear the matter and make the final decision or grant a reasonable variance that generally complies with the intent of this ordinance.