

AN ORDINANCE OF THE BOARD
OF MAYOR AND ALDERMEN OF THE
TOWN OF LOUISVILLE, TENNESSEE,
REGULATING THE IMPORTATION OF
OFF-SITE MATERIAL FOR DUMPING OR
FILL OPERATIONS; SETTING PERMIT FEE
OF \$50.00 AND SETTING FINE NOT TO
EXCEED \$10,000 PER DAY FOR VIOLATION

ORDINANCE NO. 2012- 02

FIRST READING
DATE PASSED: April 10, 2012

SECOND READING
DATE PASSED: May 08, 2012

PLANNING COMMISSION
RECOMMENDED ON: April 17, 2012

PUBLIC HEARING: May 08, 2012

BE IT HEREBY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN
OF LOUISVILLE, TENNESSEE, AS FOLLOWS:

WHEREAS, The Board of Mayor and Alderman desire for the Town of Louisville to exercise its authority under the law to regulate the importation of off-site materials for dumping or fill to protect the health, safety and welfare of citizens of the Town and preserve the Town's infrastructure;

WHEREAS, the importation of off-site material for dumping or fill creates issues concerning road safety, road maintenance, storm water drainage, health and safety of citizens and other matters impacting the welfare of the Town of Louisville;

WHEREAS, this ordinance was recommended for passage by the Louisville Planning Commission

THEREFORE, IT IS ORDAINED:

1. Prohibition. It shall be unlawful for any owner of record of real property located within the corporate limits of Louisville to import or allow the importation of off-site materials for dumping or fill in an amount greater than 200 cubic yards in any twelve month period unless a permit is obtained from the Town of Louisville.
2. Designation of public officer or department. The Board of Mayor and Aldermen designate the Town of Louisville's Engineer as the person to enforce the provisions of this ordinance including the issuance of permits and the issuance of citations for violations
3. Permit Cost and Period. Each permit authorizing the importation of material for dumping

or fill shall cost \$50.00 per permit and shall be valid for no more than one thirty (30) day period of time. Importation of material for dumping or fill beyond the initial permit time shall require a new permit for each thirty (30) day period of time and the payment of another \$50.00 fee. Permit applications shall be obtained from the Town of Louisville's Engineer at the Louisville Town Hall.

4. Application for Permit. Each application for a permit to import off-site material for dumping or fill shall provide the following:
 - a. adequate documentation that the material being imported is exempt from regulation as waste material by the State of Tennessee and is appropriate for use as fill material;
 - b. the source of the material to be imported as well as the name of the owner of the real property from which the material is being imported;
 - c. the steps that will be taken to keep Louisville roads and right of ways clean and free of dirt and debris;
 - d. the steps that will be taken to provide adequate traffic control to protect drivers from vehicles entering and exiting the location of the dumping or fill deposit;
 - e. certification that the dumping or fill operation will not adversely impact storm water or other water run-off into streams, reservoirs or the water table and the applicant is in compliance with all applicable local, state and federal regulations; and
 - f. for any project involving the importation of more than 200 cubic yards of off-site materials for dumping or fill in any twelve month period of time, documentation that a Site Plan has been filed with and approved by the Louisville Planning Commission.
5. Permit Display. Any permit issued under this ordinance shall be kept on public display at the site of the dumping or fill operation at all times during the dumping or fill operation;
6. Penalties. Any failure to obtain a permit as required by this ordinance, to comply with the terms of the issuance of any permit obtained under this ordinance, or to comply with the provisions of section 4 of this ordinance, which shall be deemed conditions of issuance, shall be subject to a fine as determined by the enforcing officer in an amount not to exceed ten thousand dollars (\$10,000.00) per offense. Every day material is imported in violation of this ordinance shall constitute a separate offense.
7. Appeal. The owner of record who is aggrieved by the determination and order of the enforcing officer may appeal the determination and order to the Board of Mayor and Aldermen. The appeal shall be filed with the city recorder within ten (10) days following the receipt of notice of violation. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

8. Judicial review. Any person aggrieved by an order or act of the Board of Mayor and Aldermen under subsection (7) above may seek judicial review of the order or act.

9. Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the regulation of the use of property or the importation of fill material or any other provisions of this municipal code of ordinances or any other applicable law.

10. This ordinance was recommended for passage by the Louisville Planning Commission on April, 17, 2012.

11. This Ordinance shall take effect immediately, the public welfare requiring it.



Mayor



Town Recorder