

ORDINANCE O-2018-001

AN ORDINANCE TO ADD A NEW TITLE, TITLE 21, “RESOURCE EXTRACTION” TO THE SEVIERVILLE MUNICIPAL CODE

21-101. Purpose. The purpose of regulating Resource Extraction land uses is to provide minimum standards for all resource extraction operations within City limits in order to protect public health and safety, to preserve the scenic beauty of Sevierville's landscapes and environment, to protect the public from damage to both the quality and quantity of ground and surface waters, to minimize or prevent adverse impacts from on-site and off-site operations, and to promote the general welfare of the people of Sevierville and the surrounding communities. This purpose will be fulfilled through the following means:

- 1) Identification of areas in the City where resource extraction is most appropriate and not in conflict with other nearby land uses.
- 2) Establishment of permitting requirements, environmental review procedures and performance standards to regulate resource extraction.
- 3) Establishment of standards that prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties, and the City as a whole.
- 4) Establishment of standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties.

21-102. Definitions. For purposes of this Title, certain terms and words are defined below:

- 1) “Nonmetallic Resource” or “Resource” means a product, commodity or material consisting principally of naturally occurring, organic, inorganic, nonmetallic, and/or non-renewable material. Nonmetallic minerals include, but are not limited to, stone, rock, limestone, sand, silica sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat and talc.
- 2) “Resource Extraction” includes any or all of the following activities:
 - ii. Extraction from the earth of mineral aggregates or nonmetallic minerals for off-site use or sale, including drilling and blasting as well as associated activities such as excavation and grading of such materials.
 - ii. On-site manufacturing or processing operations that may involve the use of equipment for the crushing, screening, separation, washing, compounding, mixing or blending of

mineral aggregates or nonmetallic resources obtained by extraction from the mining site or with materials transferred from off-site.

iii. On-site manufacturing processes aimed at producing nonmetallic resource products for sale or use by the operator.

iv. Stockpiling of nonmetallic products for sale or use off-site and stockpiling of waste materials.

v. Transport of the extracted nonmetallic resources, finished products or waste materials from the extraction site.

vi. Disposal of waste materials.

vii. Reclamation of the extraction site.

3) "Resource Extraction Facility" means any area that is being used for on-site removal, stockpiling, processing, transferring, or storage of resources.

21-103. Exempted uses and operations. The following are exempted from the performance standards applicable to resource extraction activities:

1) Excavations or grading by a person solely for domestic or farm use at a person's residence or farm.

2) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the highway, railroad or other transportation facility.

3) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.

4) Excavations for building construction purposes conducted on the building site.

5) Resource extraction at sites where less than one acre of total affected acreage occurs over the life of the mine.

6) Removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

7) Stockpiling of resources by retailers, such as nurseries and home improvement stores, for the purpose of resale to the public for non-industrial uses.

8) Stockpiling, storage, and transportation of sand, salt, and/or gravel by state, county, and/or City entities.

9) Stockpiling, storage, and transportation of dredge spoils removed from public waters.

10) Stockpiling, storage, and transportation of sand and gravel for construction purposes and private snow plowing purposes.

21-104. Resource Extraction Facility Permit Required. All persons having a legal or equitable interest in any resource extraction facility commencing on or after the effective date of this Ordinance must obtain a permit by applying to the Planning Commission through the Planning Commission's site plan approval process, or through any other process that may be established by the Planning Commission or by the Zoning Ordinance. Such persons are referred to hereinafter as "owner," "operator," and/or "permittee." These terms are interchangeable for the purposes of this Title.

21-105. Resource Extraction Facility Permit Application Requirements. All persons seeking to engage in resource extraction activities within the City must submit the following:

1) Name, address, phone number(s), e-mail address, and website of the operator of the resource extraction facility.

2) Name, addresses, phone number(s), and e-mail addresses of all owners or lessors of the land on which the mining operation will occur.

3) Acreage and complete legal description of the subject property on which the facility will be located, including all contiguous property owned by the landowners.

4) A narrative outlining the type of material to be excavated, mode of operation (including any screening, drying, washing, coating, processing and storage of material), estimated quantity of material to be extracted, plans for blasting, and other pertinent information to explain the request in detail.

5) Estimated time frame to operate the facility, to include hours per day, days per week, months per year, and number of years in operation.

6) A description of all vehicles and equipment estimated to be used by the operator in the operation of the facility.

7) A description of the estimated average daily and peak daily number of vehicles accessing the facility. If more than one access to the facility is proposed, provide a breakdown of anticipated daily and peak number of vehicles using each access.

8) Any other information or documentation required for site plan approval.

9) Site maps of the proposed operations that show the entire site(s) and include areas within six-hundred feet (600') of the site. All maps shall be drawn at a scale of one-inch (1") to two-hundred feet (200') unless otherwise stated below:

i. Map A-Existing site conditions, to include:

- a) Property boundaries to be surveyed by a Tennessee Registered Land Surveyor.
- b) A survey which provides contour lines at five foot (5') intervals.
- c) Existing vegetation including plant community, evaluation of condition of plant community, and dominant species.
- d) Existing structures.
- e) Existing pipelines, power lines and other utilities.
- f) Easements affecting the permitted property.
- g) Adjacent public road right-of-way.
- h) Existing access points to public roads.
- i) Test borings and monitoring wells used to characterize the site.
- j) Threatened and endangered species on the site and within 1/4 mile of the site.
- k) Distribution, thickness and type of existing topsoil and subsoil.
- l) Location of existing historical, cultural, and archaeological features identified in federal and State databases and those not identified but discovered on-site.
- m) Location of areas previously affected by mining on-site.

GEOLOGY

- n) Geologic units and contacts.
- o) Depth to bedrock (if applicable).
- p) Confining units (clays, shale, siltstone).
- q) Fracture patterns and traces (for rock quarries).
- r) Location of any known caves, joints, fractures, sinkholes, stream sinks, and springs.

HYDROLOGY

- s) Drainage patterns and permanent water areas within six hundred feet (600') of the property lines.
- t) Water-table elevations with ground water flow direction.

- u) Wells within a one-mile radius of property lines showing location, depth, static water-level, age and construction.
- v) Location and elevation of any known springs within six hundred feet (600') of the property lines.
- w) General location of septic systems within six hundred feet (600') of the property lines.
- x) Location of designated trout streams within six hundred feet (600') of the property lines.

ii. Map B-Proposed operations, to include:

- a) Property boundaries surveyed by a Tennessee Registered Land Surveyor.
- b) Vegetation protection plan for vegetation remaining on site.
- c) Soil salvage plan, including storage areas, methods of protection from erosion, compaction and weeds.
- d) Structures to be erected.
- e) Location of sites to be mined showing depth of proposed excavation.
- f) Location of tailing (strippings or overburden) deposits showing a maximum height of deposits, which may not exceed forty four feet (44').
- g) Location of processing areas and machinery to be used in the mining operation.
- h) Location of storage of mined materials, showing height of storage deposits, which may not exceed forty four feet (44').
- i) Location of vehicle parking.
- j) Location of storage of explosives.
- k) Location of fuel storage.
- l) Erosion and sediment control structures.
- m) Water retention ponds.
- n) Drainage Plan including revisions to existing drainage patterns.
- o) Proposed internal road system including typical cross sections.
- p) Proposed new access points to adjacent public roads.

q) Proposed haul routes of vehicles removing material from the pit including current spring weight restrictions on the proposed routes.

iii. Map C-Reclamation Plan. The Reclamation Plan must take into account the Performance Standards listed in this Title in addition to:

a) Property boundaries surveyed by a Tennessee Registered Land Surveyor.

b) Final grade of proposed site showing elevations and contour lines at five foot (5') intervals.

c) Proposed land use after mining.

d) Location, species, rate, and density of vegetation to be seeded and planted.

e) Location and nature of any structure to be erected in relation to the end use plan.

f) Proposed improvements such as roads, paths, ponds, etc.

g) Topsoil restoration plan.

h) Rates, kinds, and location of soil amendments.

i) Mulching, erosion control fabric, and other soil stabilization methods.

j) Include the grading plans, topsoil protection and replacement, seeding, revegetation, mulching, erosion control, and sedimentation control specifications for each phase and final restoration.

k) Include quantified performance standards for the reclamation and maintenance of each plant community to be restored. These shall be based on a minimum percent cover of acceptable vegetation, maximum percent cover of unacceptable vegetation, and minimum species diversity at reclamation milestones: 0-24 months; 2-5 years; and 6 years or more after substantial completion. Acceptable and unacceptable vegetation shall be defined in the plan.

10) Supporting documentation: Every application for a resource extraction facility permit shall include submission of supporting documentation. The documentation must take into account the Performance Standards listed in this Title and may be presented in descriptive or map form. Supporting documentation shall include, but is not limited to, the following:

i. A description of existing land uses on the subject property.

ii. A description of zoning classifications of the subject property.

- iii. A description of the soil, vegetation, mineral content and topography of the subject property. A minimum of three (3) soil boring logs representative of the site and a description of the subsurface materials on the subject property must be submitted.
- iv. A general description of surface waters, existing drainage patterns and groundwater conditions within 1/4 mile of the subject property.
- v. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
- vi. Copies of all state and federal application documents and operating permits.
- vii. A description of the site hydrology and drainage characteristic during extraction for each phase of mineral extraction including plans to control erosion, sedimentation and water quality of storm water runoff.
- viii. If there are any proposed changes to the existing drainage patterns, include proposed mitigation plans to control downstream off-site damage caused by any increase to the natural flow of water or any diversion of the existing natural flow of water.
- ix. A description of actions to be taken to mitigate potential impacts resulting from mineral extraction and processing, including potential impact related to: wetlands, erosion, noise, air pollution, surface water contamination, traffic, dust, or vibrations.
- x. A description of site screening, buffering, landscaping and security fencing.
- xi. A description of the method in which complaints about any aspect of the resource extraction facility or off-site transportation are to be received and the method by which complaints are to be resolved, such as neighbor notifications, meetings, or property value guarantees.
- xii. A plan for groundwater quality protection. The plan shall include a minimum of three (3) borings showing depth to groundwater. If washing or processing are not proposed, and if groundwater is not encountered at a depth of fifteen feet (15') below the bottom of the proposed pit floor, the applicant need not extend borings any further. If washing/processing is proposed, a minimum of three (3) monitoring wells shall be installed to evaluate the hydrogeologic environment. The City reserves the right to require additional borings or monitoring wells if necessary.
- xiii. A minimum of three (3) cross-sections showing the extent of overburden, extent of mineral deposits, the water table, and any evidence of the water table in the past.
- xiv. A water budget, including an estimate of the amount of daily water use, water sources, and methods for disposing of water. Descriptions of methods used for filtration and control of water runoff are to be included also.

xv. Identification of all proposed off-site trucking routes, together with the frequency and the common schedule of travel to be used for transporting extracted materials or products to and from the site.

xvi. Description of methods to control the weight of vehicles leaving the facility and the methods to ensure vehicles do not travel on roads with weight limits lower than the weight of the vehicles.

xvii. Description of methods to prevent mud and debris from being tracked onto public roads.

xviii. A listing of any hazardous materials, including all fuel supplies, that will be stored on-site and a description of measures to be used for securing and storing these materials.

xix. A listing of all chemicals used in the manufacturing and processing operations and in controlling dust.

xx. If a mineral extraction facility proposes to dewater the site, a plan must be submitted that includes:

a) Dewatering points and their elevations;

b) Hydrogeologic parameters of the unit dewatered including hydraulic conductivity, transmissivity, and storativity;

c) Proposed volume and rate of dewatering;

d) Discharge point; and

e) Duration of dewatering.

xxi. Contingency Plans: A plan for responding to spills and berm/earthen dam failure, or accidental release of chemicals, dust, waste, process water, or tailings.

xxii. Seismic Monitoring: If a resource extraction facility proposes using explosives, a pre-blast survey performed by a Tennessee Licensed Engineer of surrounding dwellings and buildings within 1/2 mile of the facility shall be conducted prior to initial blasting. Yearly seismic surveys shall be conducted by the applicant's engineer and submitted to the City if blasting has occurred within the previous year.

xxiii. Description of site security and property boundary signage to be utilized at the facility.

11) Additional requirements for underground resource extraction facilities:

i. A description of the stability of lands overlaying the underground workings.

- ii. Locations of adits, ventilation shafts, and other surface openings.
- iii. Detailed description of water handling procedures, including dewatering and processing water.
- iv. Detailed description of the fate and transport of groundwater into and out of the mine workings.
- v. No resource extraction activities shall occur within a five-hundred foot (500') radius of any residential or farm well.
- vi. Designs for mining under public roads require approval of the road authority.
- vii. Mining or tunneling must maintain a two-hundred foot (200') vertical extension setback from permanent surface structures.

21-106. Resource Extraction Facility Permit Application Process.

1) Application. A request for a resource extraction permit, as provided within this Title, shall be filed with the Planning Commission as part of the regular site plan approval process and subject to the procedures applicable to that process.

2) Recommendation. The Planning Commission shall make a recommendation, including such actions or conditions relating to the request as the Planning Commission may see fit, to the Board of Mayor and Aldermen. The Board of Mayor and Aldermen may impose restrictions or conditions as deemed necessary to protect the public interest. These conditions may include, but are not limited to, the following:

- i. Matters relating to the appearance of the facility.
- ii. Hours of operation.
- iii. Limiting the number of loaded trucks leaving the facility per day.
- iv. Requiring all access drives to be watered and/or conditioned regularly to minimize dust.
- v. Increasing setbacks.
- vi. Blasting notifications and frequency.
- vii. Limiting the height, size or location of buildings, stockpiles or tailings (strippings or overburden) deposits.
- viii. Controlling the location and number of vehicle access points.
- ix. Increasing street width and improving access conditions, including turn lanes, bypass lanes, etc.

- x. Increasing the number, size, location, or lighting of signs.
- xi. Requiring diking, berming, fencing, buffering, screening, landscaping, or other facilities to protect adjacent or nearby property.
- xii. Designating sites for open space.
- xiii. Delineating the area to be mined, total size and open area at any one time.
- xiv. Requiring phased reclamation.
- xv. Requiring financial security to guarantee compliance with the conditions of approval.
- xvi. Air and water quality monitoring.
- xvii. On-site and off-site improvements to mitigate impacts caused by revisions to the natural flow of surface waters.
- xviii. Requiring the owner/operator to enter into a road maintenance agreement with the City which shall specify the owner/operator's responsibilities with regard to road maintenance costs based on the life expectancy of the operations at the facility.

3) Action and Findings of the Board of Mayor and Aldermen. The Board of Mayor and Aldermen shall conduct a public hearing on the application and shall approve, modify, or deny the request and state the reasons for its actions. The Director of Development shall notify the applicant of the action of the Board of Mayor and Aldermen.

7) Reapplication/Lapse of Permit. The Planning and Development Department shall not accept reapplication for the same or substantially similar permit within twelve (12) months of denial.

8) Amended Permit. Any material change to the operations or use of the land approved under a current permit shall require an amended permit and all procedures shall apply as if a new permit were being issued. The determination of whether any change constitutes a material change shall be made at the sole discretion of the Director of Planning.

21-107. Annual Registration Required. Annual registration of all resource extraction facilities is required. The purpose of the annual registration is to maintain an updated listing of active mineral extraction facilities in the City, to decertify any permits where the activity has ceased, to monitor compliance with the conditions of approval, to review the applicability of the conditions and to review bonding requirements.

1) Permit holders must complete and return registration forms provided by the City. Failure to maintain registration shall be cause for revocation of the permit.

2) Permits for resource extraction facilities will not automatically expire if there are no activities as authorized within a year's time as long as the permittee complies with the annual registration specified herein.

3) Annual registration is done administratively by the Director of Development and will not require review by the Planning Commission or the Board of Mayor and Aldermen, provided all conditions are being met and the activity meets all standards as outlined in this Title, and any other permits required by law.

4) For underground resource extraction facilities, a map prepared by a Tennessee registered Land Surveyor showing the property boundaries, the location, depth, size, and elevation of the tunnels and extent of the area mined must be submitted with the annual registration fee.

21-108. Security Required. The Director of Development shall require the owner of the property in which resource extraction is occurring to post a letter of credit, bond, or cash escrow in such form and sum as determined by the Board of Mayor and Aldermen as part of the permit. The security shall be sufficient to reimburse the following costs:

1) Costs of bringing the operation into compliance with the resource extraction permit requirements including site monitoring and enforcement costs.

2) Extraordinary costs of repairing roads due to special burden resulting from the hauling of materials and traffic associated with the operation.

3) Extraordinary costs of providing an alternative water supply to potentially affected residences or agricultural operations located within 1/2 mile of the resource extraction facility or other such areas shown to be impacted by the resource extraction operations.

4) Site restoration.

5) Costs the City may incur in enforcing the terms of the conditional use permit, including consultant's and attorney's fees.

6) Bonds shall have an initial term of at least one (1) year and shall include a provision for notification of the City at least thirty (30) days prior to cancellation or non-renewal.

7) Bonds must be renewed in such a manner that sufficient security is in existence at all times throughout the duration of the resource extraction activities.

8) In the event the City determines that the amount of security provided by an owner/operator must be increased, or if the amount provided has been exhausted, the City shall notify the owner/operator of the amount of additional security needed and the basis of that request. The owner/operator shall provide the additional security within thirty (30) days of the request.

21-109. Additional Performance Standards for Resource Extraction Facilities. The following performance standards apply to all resource extraction facilities located in the City and are supplemental and in addition to the other performance standards contained in this Title and the zoning code:

1) Normal hours of operation. Resource extraction facilities shall operate only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday, unless specified otherwise in the permit for the facility.

i. Exceptions to the hours of operation must be approved by the Director of Development. Approval may only be granted in conjunction with the furnishing of material for a public improvement, public safety or a public good project that is underway during the hours that the resource extraction facility is not otherwise allowed to operate. Approval will be limited to those functions that cannot occur during normal hours of operation.

2) Fencing. Fencing, signs, and barriers are required around the outer boundaries of the entire resource extraction site, and around any ponding areas and steep sloped excavation areas unless, because of their location, they are not deemed to create a safety hazard.

3) Access. The permittee must obtain a permit from the road authority for all proposed new access points to public roads. The road authority may restrict the weight of vehicles allowed to use any permitted access.

4) Roadway dust control. Operators shall be responsible for providing continuous dust control during facility operation on unpaved roads that are the primary routes to or from a resource extraction facility. Watering roadways or other dust control measures along paved roads accessing the facility such as pavement sweeping and wheel washing may be required.

5) Resource extraction facility dust control and air quality. To mitigate public nuisances and public health concerns, the Director of Development shall require dust control in all resource extraction facilities.

i. Remedies to control dust may include methods such as berming, landscaping, enclosures for processing equipment, and watering stockpiled materials and tailings (strippings or overburden) deposits and all roads within the site.

ii. All equipment used for mining operations shall be constructed, maintained, and operated in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred feet (600') of the facility lot line.

iii. The Director of Development may require air quality/air particulate monitoring of a resource extraction facility.

- a) If required, the operator shall begin air quality/air particulate and weather monitoring at least six (6) months prior to operation to create a baseline of the area.
- b) Stationary monitors shall be located at strategic locations along the resource extraction facility property lines, within the site, and may also be required to be located at neighboring residences within six hundred feet (600') of the facility property lines.
- c) Continuous remote readings shall be taken and reported to the Director of Development when requested. A summary report shall accompany the operation's annual renewal documentation and fees.

7) Blasting permit required. The owner/operator shall obtain a blasting permit from the City, if applicable.

8) Noise. Maximum noise levels at the facility will be consistent with the standards established by the City or by State law, whichever are more stringent.

9) Vibration. Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment according to all federal and state laws, rules, regulations and statutes.

10) Water resources. The resource extraction operation shall not allow surface water to leave the site in a manner that causes flooding, erosion, or alteration of natural drainage patterns. The resource extraction operation shall not adversely affect the quantity or quality of surface or subsurface water. Surface water leaving the site shall be of equal quality as water originating off-site before it passes through the site. The operator shall perform any water treatment necessary to comply with this provision.

11) Screening/buffering. Screening barriers shall be subject to the approval of the Director of Development.

- i. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties.

- ii. A screening barrier may be required between the resource extraction facility and any public road.

- iii. A screening barrier may be required to mitigate visual impacts of the resource extraction facility from existing historical, cultural, recreational features and dwellings, including but not limited to trails, navigable waters, and sites identified State and federal databases.

- iv. A buffer yard and screening is required for all resource extraction facility boundaries that abut residential, parks and open areas, and public assembly land uses.

12) Unauthorized storage. Vehicles, equipment, or materials not associated with the resource extraction facility or not in operable condition may not be kept or stored at the facility.

13) Setbacks. The following minimum setbacks shall be maintained from property boundaries at the surface and their vertical extensions below the surface:

i. Twenty five feet (25') of adjoining property lines, except for visual screening, reclamation, and berming of overburden material, unless written consent of the owner of the adjoining property is first secured, recorded in the Sevier County Register's Office and a copy submitted to the Director of Development.

ii. One thousand feet (1000') of any existing dwelling or platted residential subdivision, not owned by the operator or owner, unless written consent of the owner of the adjoining property is first secured, recorded in the Sevier County Register's Office and a copy submitted to the Director of Development.

iii. Five hundred feet (500') of the boundary of any zoning district where such operations are not permitted.

iv. Thirty feet (30') of any right-of-way of any existing or platted street, road or highway, except berm construction, vegetative screening, or maintenance activities unless by written consent of the adjacent road authority having jurisdiction over the right-of-way and a copy is submitted to the Director of Development.

v. The Board of Mayor and Aldermen may increase the setbacks based upon residential locations, social or economic concerns, type of mining, or to mitigate public nuisance concerns.

14) Phasing. Phasing plans must be prepared for all mineral extraction facilities. The proposed size of the extraction, processing, staging, and stockpiling operations are to be identified. Resource extraction activities shall be conducted so active extraction operations expose no more than forty (40) acres at any one time, unless specifically approved in the conditional use permit.

15) Weed control. The operators shall be required to control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.

16) Waste disposal. Any waste generated from the mining operation, including waste from vehicle or equipment maintenance, shall be disposed of in accordance with federal, state, county, and City requirements.

i. Portable asphalt and concrete plants must be approved on a per project basis by the City.

ii. An estimate of the amount of recycled concrete and asphalt material to be processed must be submitted. An estimate of the time required and the amount required to be stockpiled before being processed must be submitted.

17) Water quality monitoring. Water quality monitoring shall be performed when a resource extraction facility is (a) mining below the water table; (b) if the property lines are within six-hundred feet (600') of known Karst features, springs, streams, or lakes; (c) if the operation is proposing to dewater the site; (d) if the site is using chemicals as part of the washing or ponding process; or (e) if otherwise required by the City Council or state law.

i. If washing/processing operations are proposed, a minimum of three (3) monitoring wells shall be installed to evaluate the hydrogeologic environment. The City reserves the right to require additional borings or monitoring wells if necessary.

ii. A Water Monitoring Plan shall include placing a sufficient number of monitoring wells in strategic locations along the property lines and within the site to adequately characterize and monitor surface and groundwater.

iii. Monitoring of residential wells within six-hundred feet (600 ') of the property lines may also be required.

iv. Continuous remote readings shall be taken and reported to the City when requested. A summary report shall accompany the operation's annual registration documentation.

18) General compliance. The operators must comply with all federal, state, regional, county, and local laws and regulations applicable to the operation of the resource extraction facility, including, but not limited to, floodplain management regulations and zoning code regulations.

19) Additional regulations. The Director of Development may impose additional regulations and requirements on the resource extraction facility to protect the public health, safety, and welfare.

20) Land reclamation. The following minimum land reclamation standards and conditions shall apply:

i. For gravel pits, final grades may not exceed one (1) vertical to three (3) horizontal slope except for rehabilitated areas in existence at the time of adoption of this Ordinance. In completing final grading in each phase, the top of the slope may begin twenty feet (20') from property lines.

a) Proposed topography shall fit in with regional topography and mirror landforms typical of the area.

ii. For rock and limestone quarries, the permittee shall submit a plan to explain how the quarries are to be rehabilitated.

iii. A minimum of three inches (3") of topsoil shall be placed on all graded surfaces.

iv. Seeding and mulching shall be consistent with Tennessee Department of Transportation specifications for rights-of-way. Areas returned to agricultural production are exempt from the seeding and mulching requirements.

v. Soil restoration, seeding, and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached.

a) Land shall be reclaimed to native vegetation unless inconsistent with the final proposed land use.

b) Proposed land uses shall be consistent with zoning code requirements, and applicable federal, state, and local regulations in effect at the time the plan is submitted, and may be required to be amended over time.

vi. Soil erosion and sedimentation control measures as deemed adequate by the Director of Development shall be included.

vii. Unless otherwise amended or approved by the Director of Development, all final grades and site restoration efforts shall be consistent with the Reclamation Plan.

viii. Within twelve (12) months after completion of resource extraction or after termination of the permit, all equipment, vehicles, machinery, materials, and debris shall be removed from the subject property.

ix. Within twelve (12) months after completion of resource extraction or after termination of the permit, site reclamation must be completed. Failure to annually register the resource extraction facility will be considered termination of the resource extraction facility and the twelve (12) month period for site reclamation begins.

x. All water areas resulting from excavation shall be addressed upon reclamation of the site. In unique circumstances where the Board of Mayor and Aldermen has reviewed proposals for water bodies at the time of approval of the overall plan and has determined that such would be appropriate as an open space or recreational amenity in subsequent reuse of the site, water bodies may be permitted.

21-110. Bi-Annual and Annual Reporting.

1) During the first two (2) years of operations, the owner of all resource extraction operations in the City shall submit a report twice per year to the Director of Development between the dates of January 1- February 1 and July 1 -August 1.

2) After two (2) years of consecutive operations, the owner/operator of all resource extraction operations in the City shall submit an annual report to the Director of Development between the dates of January 1- February 1.

3) The bi-annual and annual reports shall include the following information:

- i. An identification of the owner/operator and the location of the resource extraction site.
- ii. A map accurately showing the area of existing excavation, the unclaimed areas and reclaimed areas of the mine site. These maps shall include the acreage of each area.
- iii. A written, detailed description of activities and operations on the site for the previous half-year (for bi-annual reports) or year (for annual reports).
- iv. A written, detailed description of activities and operations planned for the following calendar year of operations.
- v. A written report demonstrating how the owner/operator has been in compliance with all the terms set forth in the zoning ordinance and the conditional use permit. The report shall include all water and air quality monitoring results.
- vi. A summary of all areas of noncompliance and a detailed plan for bringing noncompliant areas of operation into compliance for the next calendar year of operations.

21-111. Inspection, Violations, Penalties and Enforcement.

1) Inspection. In addition to the reporting requirements, the Director of Development may make inspections of the facility upon reasonable notice to determine the condition of the resource extraction sites in order to ensure and safeguard the health and safety of the public and determine compliance with the minimum standards under the applicable law.

2) Penalties for Violation. Any firm, person or corporation who violates any of the provisions of this Title shall be subject to a fine of up to Fifty Dollars (\$50.00) for each offense, unless a more severe penalty is provided by state or federal law. Each day that a violation is permitted to exist shall constitute a separate offense.

3) Additional violations. The following also constitute violations of the zoning code:

- i. Engaging in resource extraction without properly obtaining a conditional use permit as required by the zoning code.
- ii Making incorrect or false statements in the information and documentation submitted in the reporting or during inspection by an authorized representative of the City.
- iii. Failure to provide a bi-annual or annual report by the applicable deadline.
- iv. Failure to take appropriate or reasonable action to remediate a known violation, citation, request for additional information or financial assurance, or any other order by the City.

4) Enforcement. In the event of a violation or threatened violation of any of the terms of this Title, the Director of Development may take appropriate action to enforce this Ordinance, including but not limited to exercising the performance bonds, application for injunctive relief, action to compel performance, revocation of the conditional use permit, and/or other appropriate action before the Board of Mayor and Aldermen or in court if the Director of Development deems it necessary to prevent, restrain, correct or abate such violations or threatened violations.

APPROVED: _____
Bryan C. Atchley, Mayor

ATTEST:

Lynn K. McClurg, City Recorder

Passed on 1st reading: 1/8/2018

Passed on 2nd reading:

Passed on 3rd reading: