

**AN ORDINANCE AMENDING ORDINANCE 2007-22 AND SECTION 3-104.8 OF
THE ZONING ORDINANCE REGARDING ROCK CRUSHING ON A
CONSTRUCTION SITE**

WHEREAS, the Board of Commissioners of the City of Mt Juliet wishes to amend the requirements for permitting rock crushing on construction sites in order to reduce the transportation of crushed rock on public streets; and

WHEREAS, the Mt Juliet Regional Planning Commission recommended on March 20, 2014 that the requirements of Ordinance 2007-22 be amended;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Mt. Juliet, Wilson County, Tennessee as follows:

Section 1. Section 3-104.8 of The Zoning Ordinance and Ordinance 2007-22 is hereby amended as follows:

3-104.8 Provisions Applicable to Rock Crushing Activities

No rock crushing shall be permitted on a construction site without a valid permit issued by the Public Works Director of the City of Mt. Juliet.

2. Before issuing a permit, the Public Works Director shall require submittal of the following information:
 - a. Copies of any required State or Federal permits. Note: State and Federal regulations impose strict limitations as to dust, pollution and maximum allowable noise levels;
 - b. Proof of liability insurance, in the amount of One Million Dollars, with the City of Mt. Juliet named as an additional beneficiary, shall be provided;
 - c. Letter of Credit shall be executed in the amount to be determined by the Public Works Director. The Letter of Credit amount shall be sufficient to pay one hundred fifty percent (150%) of any estimated costs of restoring the site, including clean-up and landscaping, should the rock crushing operation be abandoned.
 - d. A separate letter of credit shall be executed in an amount of \$10,000.00. This letter of Credit shall be sufficient to pay for any clean-up to or repair of surrounding sites necessitated by the rock crushing activity. Prior to making a claim under this Letter of Credit, a property owner injured by the rock crushing activity must give the permit holder fourteen days' notice. The permit holder shall then have fourteen days to remediate the situation. This Letter of Credit will not be issued on behalf of or for the benefit of the City and the City shall in no way be involved with the administration of this Letter of Credit, with the exception of setting the required monetary rate.
 - e. Permittee agrees to indemnify and hold harmless the City of Mt. Juliet from any and all claims, demands, losses, causes of action, damage, lawsuits, and judgments, including attorney's fees and costs, arising out of or directly or indirectly related to the work of the Permittee.

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3. Site plan: A separate site plan, specific to the proposed rock crushing operation, shall be submitted to and approved by the Public Works Director. Any site plan or application submitted for this purposes shall include provisions detailing the following information:
 - a. Erosion and sediment control and drainage;
 - b. Stormwater Management;
 - c. Fencing and safety plan;
 - d. Adjacent properties and structures establishing that operations will be at a minimum five hundred (500) feet from the front door of any occupied structure at the time of permit issuance and at the time of any permit renewal.; and
 - e. Site Stabilization Plan.
 - f. City of Mt. Juliet Permit
4. Upon submission of a completed application and site plan, the Public Works Director may issue a permit for conduct of rock crushing operations consistent with this ordinance.
5. Prohibition of Operations:
 - a. Rock crushing operations may occur only between 8:00am and 5:00pm, Monday through Saturday unless otherwise specified in writing by the Public Works Director.
 - b. Rock crushing operations shall be conducted in such a manner as to comply with the City of Mt. Juliet Permit. No operations will be permitted which causes dust to be deposited on neighboring properties or vehicles.
 - c. At the discretion of the Public Works Director, any violation of this ordinance may result in suspension of rock crushing operations until noncompliance with this ordinance is corrected.
6. Uses of crushed rock:
 - a. Rock crushed on site shall not be used for any purpose until approval is granted by the Public Works Director.
 - b. Rock crushed on site shall not be sold.
 - c. Rock crushed on the permitted site may be used on another site owned by the same property or developer. Said secondary destination site shall be operating under a City of Mt. Juliet permit for an approved Site Development Plan or approved Infrastructure Plan.
 - d. If rock crushed on site is approved for use pursuant to 6c, the developer shall be required to execute a separate letter of credit in an amount determined by the Public Works Director. This letter of credit shall be equal to 150% of any estimated costs of repairing the roadways between the two sites.
7. Rock being hauled from the permitted rock crusher site to an approved secondary site shall comply with the requirements of Ordinance 2013-82, Street Surety.
8. Any use permit issued hereunder shall be issued for a twelve-month term. After the expiration date of such permit, the Permittee may request and the Public Works Director may grant a twelve-month extension of time in the same manner and procedure as prescribed for an original application. There are no limits on the number of extensions a Permittee may request.

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Section 2. In case of conflict between this ordinance or any part thereof,' and the whole or part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further,

Section 3. If any section, clause, provision or portion of this ordinance is 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.

Section 4. This ordinance shall take effect on the earliest date allowed by law.

PASSED: 5/12/2014

Ed Hagerty, Mayor

FIRST READING: 4/14/2014

SECOND READING: 5/12/2014

ATTEST:

Shelia S. Luckett, MMC

Kenny Martin, City Manager

APPROVED AS TO FORM:

L. Gino Marchetti, Jr.
City Attorney