

ORDINANCE NUMBER 253

BE IT ORDAINED AND ENACTED by the Town of Mount Carmel Tennessee as follows:

AN ORDINANCE TO ENSURE THE PROPER CONTROL OF CURB CUTS IN THE TOWN OF MOUNT CARMEL, TENNESSEE

CHAPTER 1. CURB CUT CONTROL

XXX-101. Short title. This Chapter shall be known as the “Curb Cut Control Ordinance of the Town of Mount Carmel, Tennessee.”

XXX-102. Purpose. The purpose of this chapter is to ensure that curb cuts are properly controlled and limited to the extent practical. This ordinance is also to ensure that stormwater flow is not interpreted by curb cuts.

XXX-103. Definitions. For the purpose of this chapter, the following definitions apply:

XXX-103.1. Driveway. An area on private property where automobiles and other vehicles are operated or are allowed to stand.

XXX-103.2. Driveway approach. Any area, construction or facility between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to something definite on private property, such as a parking area or a driveway and used for the entrance and exit of automobiles.

XXX-104. Permit required. Prior to cutting a curb or constructing a driveway approach or driveway, a permit shall be obtained. The fee is \$30.00. The building inspector is designated to act on these permits based on detailed plans to include width of the cut/driveway, length of the driveway, exact location on the lot, slopes of the ground and street and whether or not a curb exists, and if so, its height.

XXX-105. Prohibited locations.

XXX-105.1. No driveway approach shall be permitted to encompass any municipal or public owned facility.

XXX-105.2. No driveway approach, including end slopes, shall be permitted within five (5) feet of the right-of-way of an intersecting street.

XXX-105.3. No driveway or series of driveway approaches serving other than residential property shall be permitted to be constructed in such a way that the exit from said property would be accomplished by backing vehicles into a street right-of-way or roadway.

XXX-106. Width of driveway approach. Width of driveway approach□driveway at intersection with public streets shall not exceed twenty-four (24) feet for residential lots and thirty (30) feet for other property. Those business located in the business zones may have road frontage access for the entire length that the property fronts a public street provided that adequate off right-of-way parking is provided.

XXX-107. Construction details for curb restoration. Cut curbs will be restored as follows:

XXX-107.1. All curbs will be built back to a height of two (2) inches minimum, using concrete at least six (6) inches deep and a minimum of three (3) feet wide. Curbs that adjoin property which slopes away (down) from the street will be built back to a minimum of four (4) inches or one-half the height of the adjoining curb, whichever is greater.

XXX-108. Unusual conditions. The building inspector may issue variances from this chapter provided the following conditions are present:

XXX-108.1. The variance requested arises from peculiar physical conditions not ordinarily existing in similar districts in the town or is due to the nature of the business or operation upon the applicant's property.

XXX-108.2. The variance request is not against the public interest, particularly safety, convenience and general welfare.

XXX-108.3. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or tenants, and

XXX-108.4. The terms of this section will cause unnecessary hardship upon the applicant, property owner or tenant.

XXX-109. Inspection required. The building inspector will conduct an inspection following the installation of the curb cut/driveway connection to ensure compliance with the requirements herein. If the curb restoration is improper, corrective action will be required as determined by the building inspector.

XXX-110. Penalties. Any Developer or person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this Chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized Enforcement Officer or the Mount Carmel Planning Commission, shall be guilty of a misdemeanor, and each day of such violation or failure to comply shall be deemed a separate offense and punishable accordingly. Penalties are specified in the table below:

SPECIFICATION	FINE
Cutting curb without a permit	\$50.00
Improper installation of curb restoration	\$50.00
Failure to correct improper installation of curb restoration	\$50.00 per day until the installation is corrected

XXX-111. Legal status provisions.

- (1) 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 Mount Carmel, the most restrictive shall in all cases apply.
- (2) Severability. If any provision of this Ordinance is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any remaining provisions which are not of themselves invalid or unconstitutional.
- (3) Effective Date. This ordinance shall become effective upon passage and publication, the public welfare requiring it.

Approved by the Planning Commission:

Date

Passed on First Reading:

Date

Passed on Second Reading:

Date

Signed:

Mayor

Attest:

Recorder

Approved as to Form:

City Attorney

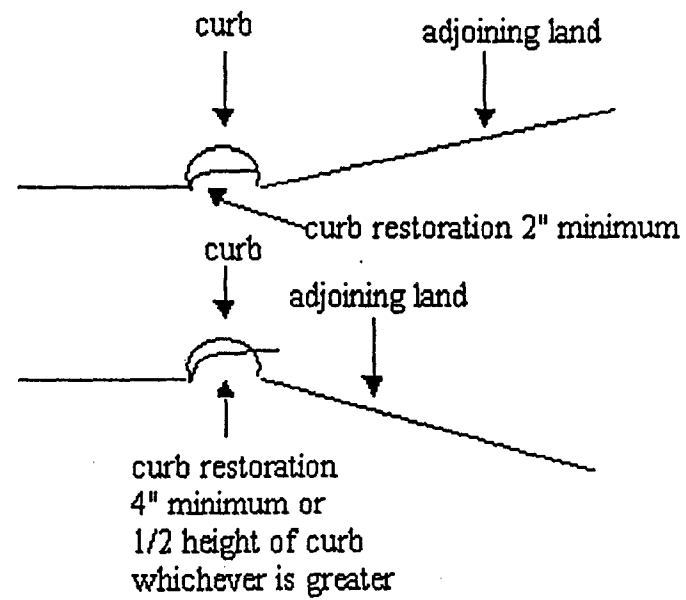
8-27-02

9-24-02

Nancy Ransom

Nancy Carter

Allan Corp



KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN September 27, 2002

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 9-26-02, and appearing 1 consecutive weeks/times, as per order of _____

Town of Mt. Carmel

Signed Karen C. Mulvey

ORDINANCES passed by the Town of Mount Carmel and date passed:
ORDINANCE 240. Establish storm water, grading vegetation, erosion & sedimentation control measures - passed September 24, 2002.
ORDINANCE 248. Designating official depositaries for Town Funds - Passed September 24, 2002.
ORDINANCE 249. Amending Title 11, "Municipal Offenses", Chapter 1, "Misdemeanors of State Adopted," Section 11-101 - Passed September 24, 2002.
ORDINANCE 250. Establishing various fees, fines, charges, and/or costs - passed September 24, 2002.
ORDINANCE 251. Reu-lates the flood plain areas of the town - passed September 24, 2002.
ORDINANCE 252. Amend Zoning Ordinance, Street frontage - passed September 24, 2002.
ORDINANCE 253. Ensure proper curb cuts - passed September 24, 2002.
Please call (423)357-7311, if you have any questions. Thank you.
Pub IT: 09/26/2002.

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 27th day of September, 2002, Karen C. Mulvey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

Alicia F. Salys
NOTARY PUBLIC

My commission expires February 2, 2003