

ORDINANCE NO. 2021-010

**AN ORDINANCE TO ADOPT AMENDMENTS TO THE CITY OF EAGLEVILLE,
TENNESSEE’S ZONING ORDINANCE, BY AMENDING ORDINANCE 2016-009**

Whereas, the Eagleville Municipal Planning Commission has duly recommended to the Eagleville City Council that the Official Zoning Ordinance of Eagleville, Tennessee, be amended as hereinafter described; and

Whereas, the Eagleville City Council has reviewed such recommendation and had conducted a public hearing thereon.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EAGLEVILLE, TENNESSEE, AS FOLLOWS:

That the Official Zoning Ordinance of the City of Eagleville, Tennessee, is hereby amended by to wit:

Amend Zoning Ordinance, Article VII, Administration and Enforcement, Section 7.020 The Enforcement Officer to read as follows:

7.020 The Enforcement Officer

A The Enforcement Officer. All provisions of the Eagleville Zoning Ordinance are considered mandatory and shall be administered and enforced by the Eagleville Zoning Administrator. Failure to comply with this Ordinance can result in enforcement action. In performance of administering and enforcing this Ordinance, the Administrator or their designee shall:

1. Issue all Building Permits and make and maintain records thereof.
2. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.
3. Maintain and keep current zoning maps and records of amendments thereto.
4. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board of Zoning Appeals is required to act under the provisions of this ordinance.
5. Receive, file and forward to the Planning Commission all matters on which the Planning Commission is required to act under this ordinance.
6. Monitor properties for compliance with this Ordinance and take action when violations occur.

B. Penalties

1. Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Eagleville, shall be guilty of a civil offense.

2. Penalties. Under the authority granted in Tennessee Code Annotated, § 68-221-1106, the City of Eagleville declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of Eagleville of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day per each violation. Each day of violation shall constitute a separate violation.
3. Measuring civil penalties. In assessing a civil penalty, the City of Eagleville may consider:
 - (a) The harm done to the public health or the environment;
 - (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - (c) The economic benefit gained by the violator;
 - (d) The amount of effort put forth by the violator to remedy this violation;
 - (e) Any unusual or extraordinary enforcement costs incurred by the City of Eagleville;
 - (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
4. Recovery of damage and costs. In addition to the civil penalty, the City of Eagleville may recover: all damages proximately caused by the violator to the City of Eagleville, which may include but not be limited to any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation including attorney's fees.
5. Violators shall be cited to Municipal Court. The City Judge shall fix the penalty to be imposed under the provisions according to Municipal Code Section 1-301.

BE IT ENACTED that this ordinance shall take affect from and after its adoption, the public welfare requiring it.

Approved by the Eagleville City Council on:

Approved:

Chad Leeman, Mayor

ATTEST:

Phillip Dye, City Recorder

Passed First Reading: September 21, 2021

Passed Second Reading: October 28, 2021

APPROVED AS TO FORM:

J. Stephen Aymett, Jr., City Attorney