

ORDINANCE # 10-190

AN ORDINANCE TO AMEND THE ROAD ORDINANCE 94 – 06 OF THE TOWN OF UNICOI, TENNESSEE, TO REGULATE CONTROL OF THE TOWN ROAD’S RIGHTS OF WAY

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Unicoi, Tennessee as follows:

WHEREAS, it is appropriate for the Town of Unicoi Board of Mayor and Aldermen to provide for regulations to promote the public health, safety and general welfare of the citizens of the Town of Unicoi, Tennessee and to ensure that the rights of way of the Town including but not limited to the shoulder of Town roads are used properly and restored to a clean safe and usable condition in the event the same are disturbed in any manner.

NOW THEREFORE, be it ordained as follows:

The road ordinance # 94 - 06 of the Town of Unicoi is hereby amended to provide as follows:

1. Town of Unicoi Rights of Way, including but not limited to, the shoulders of said Rights of Way, shall not be altered, improved or changed by any person or other legal entity without first notifying and obtaining permission from the City Recorder. Failure to obtain such permission prior to altering, improving or changing the condition of a Right of Way and / or any portion of the shoulder thereof shall constitute a violation of this ordinance.

Mowing of the Right of Way adjacent to the property of another by or at the direction of such property owner shall not constitute altering, improving or changing of the right of way in violation of this ordinance.

2. In the event that any person or other legal entity disturbing, altering or changing the condition of a right of way and/or any portion of the shoulder thereof does not return same to the condition as it existed prior to the alteration, improvement or change, such failure, shall be a violation of this ordinance.
3. Violation of any of the provisions of this ordinance shall constitute a Class C misdemeanor. Upon notice from the City Recorder or other or any other law enforcing officer the person altering, improving or changing and not returning same to its prior condition may in the discretion of the City Recorder be cited to appear before the Municipal Court for such violation.

4. The penalty for each violation and/or continuing day of violation of this ordinance upon conviction shall be a Fifty (\$50.00) Dollar fine plus Court Costs.
5. Each day that one or more violations of this ordinance exists or continues to exist shall constitute a separate violation.

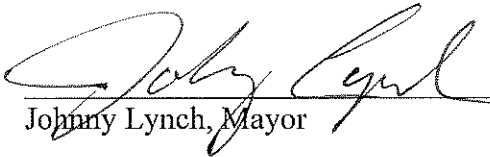
This ordinance shall take effect immediately upon passage thereof, the public welfare requiring same.

Voting by the Board, as follows, First Reading on April 19, 2010:

| | <u>Aye</u> | <u>No</u> |
|-------------------------|------------|-----------|
| Alderman Ken Kisiel | <u>X</u> | ___ |
| Alderman Mark Ramsey | <u>X</u> | ___ |
| Alderman Dwight Bennett | <u>X</u> | ___ |
| Vice-Mayor Doug Hopson | <u>X</u> | ___ |
| Mayor Johnny Lynch | <u>X</u> | ___ |

Voting by the Board, as follows, on May 17, 2010:
Second Reading and Public Hearing:

| | <u>Aye</u> | <u>No</u> |
|-------------------------|------------|-----------|
| Alderman Ken Kisiel | <u>X</u> | ___ |
| Alderman Mark Ramsey | <u>X</u> | ___ |
| Alderman Dwight Bennett | <u>X</u> | ___ |
| Vice-Mayor Doug Hopson | <u>X</u> | ___ |
| Mayor Johnny Lynch | <u>X</u> | ___ |



 Johnny Lynch, Mayor

ATTEST:



 Larry B. Rea, CMC, City Recorder