

EROSION CONTROL PROCEDURE

The Hamblen County Highway Department will follow the procedure set out below in each case where mud, rock and debris have washed into the county roadway during heavy rains ("washout"):

1. The County Highway Department will clean up a washout that remains in the roadway for a period of forty-eight (48) hours. The Department may clean up a washout before the expiration of that period of time if determined to be necessary to the public safety. An attempt will be made to contact the property owner regarding the washout either directly in person or by telephone. This cleanup will be performed one (1) without charge to the owner. The follow up letter will be sent to the owner explaining the new policy and procedure.
2. If a second washout occurs at the same location and it is not cleaned up within forty-eight (48) hours and the owner has received the letter explaining the new policy and procedure, the County Highway Department may clean up the washout and invoice the property owner for the work. The Superintendent will have discretion as to whether the "washout" will be cleaned or the owner invoiced, depending upon the size and severity of the washout. The owner will have a period of thirty (30) days from the receipt of invoice to pay. In the event that payment is not received in thirty (30) days, a lien may be filed and legal action may be taken to collect the amount due.
3. If the County Highway Department has cleaned up a washout at a particular location without charge and if the owner has received the letter explaining the new policy and procedure, and there is a recurrence of a washout at the same location, then together with the invoice for cleanup, a notice of violation (copy attached as an example) will issue. The notice of violation will advise owner that they are in violation of the Property Maintenance Resolution, that corrective action must be taken, that fines may be levied if no corrective actions are undertaken and that there is a right to appeal the notice of violation within twenty (20) days.
4. If no corrective action is taken and no appeal is filed, a citation will issue for appearance before the General Sessions Court where a \$50 per day fine may be assessed.
5. Criminal prosecution if no progress made with other procedures.

Dear Sir or Madam,

You are receiving this letter because you have been identified as the owner of record of property which has experienced "washout" (mud, gravel or other debris washing into the county roadway) erosion problems during this year of heavy rain.

The Hamblen County Highway Department has been required to spend numerous man hours cleaning up mud, rocks and gravel and other debris this year, more than in any other year in recent memory and its resources, like most people these days, are limited. In an effort to address this issue and hopefully reduce not only the expense of cleanup, but the hazard and nuisance of mud and debris in the county roadway, the County Highway Department, County Commission and Road Commissioners have now approved a cleanup policy for all county roads.

Please know that is not the intention of the Commission or the Highway Department to impose a hardship on any county resident with this policy. The problem is that mud, gravel and debris in the roadway are a danger to all of us driving on our county roads. Liability for injuries to motorists who encounter debris in the roadway can be imposed upon property owners!

The new policy is in keeping with the Property Maintenance Resolution adopted by the Commission several years ago. As property owner, you are responsible for keeping your driveway, private road, or construction site in such condition that mud, rock and debris do not run into the county roadway during periods of heavy rain. If it is determined that mud, gravel and debris which has eroded from a property into the county roadway from your property or property that you control the County Highway Department will clean up the roadway without charge on one (1) occasion. If there is a second washout at the same location, the County Highway Department may cleanup the roadway and invoice the property owner for the cleanup. Along with the invoice the property owners will receive a notice of violation advising of the consequences of continuing to allow mud and debris to enter the roadway. This notice of violation will include information about the recipient's right to a hearing, the possibility of liens being impressed against the property for cleanup costs, and the possibility of civil fines and criminal prosecution in extreme cases.

All invoices for the second cleanup must be paid within thirty (30) days of having received the invoice.

Please be aware that the County Highway Department has identified your property because of a recent washout, and the Department has already cleaned up a washout in the roadway which is believed to have come from property you own or control. You have not

been determined to be in violation of the Property Maintenance Resolution at this time.

Please help us make our roadways safer by cleaning up any future washouts and take the necessary steps to prevent those washouts. By doing so, you will help make our roadways safer, both for your use and that of your neighbors. We are hopeful that this letter alone will help prevent a large number of washouts and conserve County resources. Thank you for doing your part to help keep our roadways safe and clean.

Sincerely,

TRUCK PURCHASE-HIGHWAY DEPARTMENT

Motion by Howard Shipley, seconded by Larry Baker to approve the purchase of a single axle dump truck from Highway Department fund balance.

Voting for		Voting against	Absent
Larry Baker	Doyle Fullington	Louis Jarvis	Herbert Harville
Larry Carter	Tim Goins	Paul Lebel	Nancy Phillips
Tim Dennison	Howard Shipley	Wayne NeSmith	
Rick Eldridge	Dana Wampler		
Stancil Ford			

DRIVEWAY CONNECTIVITY POLICY

Motion by Rick Eldridge, seconded by Howard Shipley to approve the Driveway Connectivity Policy-Erosion Control Procedures as presented.

Voting for	Voting against	Absent
Larry Baker	None	Herbert Harville
Larry Carter		Nancy Phillips
Tim Dennison		
Rick Eldridge		
Stancil Ford		
Doyle Fullington		
Tim Goins		
Louis Jarvis		
Paul Lebel		
Wayne NeSmith		
Howard Shipley		
Dana Wampler		