

## **Provisions applicable to Rock Crushing activities**

1. No rock crushing shall be permitted on a construction site without a valid permit issued by the Stormwater Coordinator of the City of Mt. Juliet.
2. Before issuing a permit, the Stormwater Coordinator shall require submittal of the following information:
  - 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;
  - Proof of liability insurance, in the amount of \$1,000,000.00, with the City of Mt. Juliet named as an additional beneficiary, shall be provided;
  - The letter of credit amount shall be sufficient to pay 150 percent of any estimated costs of restoring the site, including clean-up and landscaping, should the rock crushing operation be abandoned.
  - 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 14 days' notice. The permit holder shall then have 14 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.
  - 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.
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 purpose shall include provisions detailing the following information:
  - Erosion and sediment control and drainage
  - Stormwater management
  - Fencing and safety plan
  - Adjacent properties and structures establishing that operations will be at a minimum 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
  - Site stabilization plan.
  - City of Mt. Juliet permit.

4. Upon submission of a completed application and site plan, the Stormwater Coordinator may issue a permit for conduct of rock crushing operations consistent with this ordinance.
5. Prohibition of operations:
  - Rock crushing operations may occur only between 8:00 a.m. and 5:00 p.m., Monday through Saturday unless otherwise specified in writing by the Public Works Director.
  - 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.
  - 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:
  - Rock crushed on site shall not be used for any purpose until approval is granted by the Public Works Director.
  - Rock crushed on site shall not be sold.
  - 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.
  - If rock crushed on site is approved for use pursuant to [subsection] 6.c., the developer shall be required to execute a separate letter of credit. This letter of credit shall be equal to 150 percent 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 12-month term. After the expiration date of such permit, the permittee may request and the Public Works Director may grant a 12-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.

(Ord. No. 2003-40, 9-8-2003; Ord. No. 2004-34, 8-9-2004; Ord. No. 2007-22, 5-29-2007; Ord. No. 2009-07, 2-9-2009; Ord. of 10-23-2009, § 3-104; Ord. No. 2013-70, § 5, 10-14-2013; Ord. No. 2014-38, § 1, 5-12-2014)