

ORDINANCE 10802

AN ORDINANCE TO STATE THAT THE CITY OF BRIGHTON, TENNESSEE DOES NOT WISH TO PARTICIPATE IN THE REQUIREMENTS OF CHAPTER 862, PUBLIC ACTS, 2002; OF THE TENNESSEE CODE ANNOTATED, SENATE BILL NO. 2412 BY NORRIS SUBSTITUTED FOR: HOUSE BILL NO. 2434 BY TODD.

AN ACT TO AMEND TENNESSEE CODE ANNOTATED, TITLE 13, CHAPTER 3; TITLE 13, CHAPTER 4 AND TITLE 13, CHAPTER 7; RELATIVE TO TRAINING AND CONTINUING EDUCATION OF PROFESSIONAL PLANNERS, PLANNING COMMISSIONS MEMBERS, BOARD OF ZONING APPEALS MEMBERS, BUILDING COMMISSIONERS AND OTHER ADMINISTRATIVE OFFICIALS WHOSE DUTIES INCLUDE ADVISING A PLANNING COMMISSION OR BOARD OF ZONING APPEALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Planning Commission and Board of Zoning Appeals Training and Continuing Education Act of 2002".

SECTION 2. Tennessee Code Annotated, Section 13-3-101, is amended by adding the following as a new subsection (j):

(j)(1) Each planning commissioner shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (5) of this subsection.

(2) Each full-time or contract professional planner or other administrative official whose duties include advising the planning commission shall, each calendar year, attend a minimum of eight (8) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (5) of this subsection. A professional planner who is a member of the American Institute of Certified Planners and who has obtained a current certificate in the AICP Continuing Professional Development Program shall be exempt from this requirement.

(3) Each of the individuals listed in subdivisions (1) and (2) shall certify by December 31 of each calendar year such individual's attendance by a written statement filed with the secretary of such individual's respective planning commission. Each statement shall identify the date of each program attended, its subject matter, location, sponsors, and the time spent in each program. A professional planner who is a member of the American Institute of Certified Planners shall submit a copy of such member's current certificate from the AICP Continuing Professional Development Program.

(4) The legislative body of a county in a single county regional planning commission, or the legislative bodies of the counties in a multiple county planning commission, or the legislative bodies of the county and the municipality in a joint municipal and county planning commission shall be responsible for paying the

training and continuing education course registration and travel expenses for each planning commissioner and full-time professional planner or other administrative official whose duties include advising the planning commission.

(5) The subjects for the training and continuing education required by subdivisions (1) and (2) herein shall include, but not be limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the planning commission. Other topics reasonably related to the duties of planning commission members or professional planners or other administrative officials whose duties include advising the planning commission may be approved by majority vote of the planning commission prior to December 31 of the year for which credit is sought.

(6) Each local planning commission shall keep its official public record originals of all statements and the written documentation of attendance required to comply with these provisions for three (3) years after the calendar year in which each statement and appurtenant written documentation is filed.

(7) Each planning commissioner and each professional planner or other administrative official whose duties include advising the planning commission shall be responsible for obtaining written documentation signed by a representative of the sponsor of any training and continuing education course for which credit is claimed, acknowledging the fact that the individual attended the program for which credit is claimed. A member of the American Institute of Certified Planners shall file a copy of such member's current certificate from the AICP Continuing Professional Development Program.

(8) If a planning commissioner fails to complete the requisite number of hours of training and continuing education within the time allotted herein or fails to file the statement required herein, then this shall constitute a cause for the removal of the planning commission member from the planning commission.

(9) The legislative body of a county in a single county regional planning commission, the legislative bodies of the counties in a multiple county planning commission or the legislative bodies of the county and the municipality in a joint municipal and county planning commission may, at any time, opt out of the provisions of this subsection by passage of a resolution or ordinance, as appropriate; provided that for a multiple county planning commission or joint municipal/county planning commission, all governmental entities included in such multiple or joint planning commission must pass the resolution or ordinance in order to opt out of this provision. Further, any such legislative bodies that have opted out may, at a later date, opt in by passage of a resolution or ordinance in the same manner required to opt out.

SECTION 3. Tennessee Code Annotated, Section 13-3-201, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection (b):

(b)(1) Each planning commissioner shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (5) of this subsection.

(2) Each full-time or contract professional planner or other administrative official whose duties include advising the planning commission shall, each calendar year, attend a minimum of eight (8) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (5) of this subsection. A professional planner who is a member of the American Institute of Certified Planners and who has obtained a current certificate in the AICP Continuing Professional Development Program shall be exempt from this requirement.

(3) Each of the individuals listed in subdivisions (1) and (2) of this subsection shall certify by December 31 of each calendar year such individual's attendance by a written statement filed with the secretary of such individual's respective planning commission. Each statement shall identify the date of each program attended, its subject matter, location, sponsors, and the time spent in each program. A professional planner who is a member of the American Institute of Certified Planners shall submit a copy of such member's current certificate from the AICP Continuing Professional Development Program.

(4) The legislative body of the county shall be responsible for paying the training and continuing education course registration and travel expenses for each planning commissioner and full-time professional planner or other administrative official whose duties include advising the planning commission.

(5) The subjects for the training and continuing education required by subdivisions (1) and (2) herein shall include, but not be limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the planning commission. Other topics reasonably related to the duties of planning commission members or professional planners or other administrative officials whose duties include advising the planning commission may be approved by majority vote of the planning commission prior to December 31 of the year for which credit is sought.

(6) Each local planning commission shall keep in its official public record originals of all statements and the written documentation of attendance required to comply with these provisions for three (3) years after the calendar year in which each statement and appurtenant written documentation is filed.

(7) Each planning commissioner and each professional planner or other administrative official whose duties include advising the planning commission shall be responsible for obtaining written documentation signed by a representative of the sponsor of any training and continuing education course for

which credit is claimed, acknowledging the fact that the individual attended the program for which credit is claimed. A member of the American Institute of Certified Planners shall file a copy of such member's current certificate from the AICP Continuing Professional Development Program.

(8) If a planning commissioner fails to complete the requisite number of hours of training and continuing education within the time allotted herein or fails to file the statement required herein then this shall constitute a cause for the removal of the planning commission member from the planning commission.

(9) The legislative body of the county may, at any time, opt out of the provisions of this subsection by passage of a resolution. Further any such legislative body that has opted out may, at a later date, opt in by passage of a resolution.

SECTION 4. Tennessee Code Annotated, Section 13-4-101, is amended by adding the following as a new subsection (c):

(c)(1) Each planning commissioner shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (5) of this subsection.

(2) Each full-time or contract professional planner or other administrative official whose duties include advising the planning commission shall, each calendar year, attend a minimum of eight (8) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (5) of this subsection. A professional planner who is a member of the American Institute of Certified Planners and who has obtained a current certificate in the AICP Continuing Professional Development Program shall be exempt from this requirement.

(3) Each of the individuals listed in subdivisions (1) and (2) of this subsection shall certify by December 31 of each calendar year such individual's attendance by a written statement filed with the secretary of such individual's respective planning commission. Each statement shall identify the date of each program attended, its subject matter, location, sponsors, and the time spent in each program. A professional planner who is a member of the American Institute of Certified Planners shall submit a copy of such member's current certificate from the AICP Continuing Professional Development Program.

(4) The legislative body of the municipality shall be responsible for paying the training and continuing education course registration and travel expenses for each planning commissioner and full-time professional planner or other administrative official whose duties include advising the planning commission.

(5) The subjects for the training and continuing education required by subdivisions (1) and (2) herein shall include, but not be limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural

resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the planning commission. Other topics reasonably related to the duties of planning commission members or professional planners or other administrative officials whose duties include advising the planning commission may be approved by majority vote of the planning commission prior to December 31 of the year for which credit is sought.

(6) Each local planning commission shall keep in its official public record originals of all statements and the written documentation of attendance required to comply with these provisions for three (3) years after the calendar year in which each statement and appurtenant written documentation is filed.

(7) Each planning commissioner and each professional planner or other administrative official whose duties include advising the planning commission shall be responsible for obtaining written documentation signed by a representative of the sponsor of any continuing education course for which credit is claimed, acknowledging the fact that the individual attended the program for which credit is claimed. A member of the American Institute of Certified Planners shall file a copy of such member's certificate from the AICP Continuing Professional Development Program.

(8) If a planning commissioner fails to complete the requisite number of hours of training and continuing education within the time allotted herein or fails to file the statement required herein, then this shall constitute a cause for the removal of the planning commission member from the planning commission.

(9) The legislative body of the municipality may, at any time, opt out of the provisions of this subsection by passage of an ordinance. Further any such legislative body that has opted out may, at a later date, opt in by passage of an ordinance.

SECTION 5. Tennessee Code Annotated, Section 13-7-106, is amended by designating the existing language as subsection (a) and by adding the following as subsection (b):

(b)(1) Each board of zoning appeals member shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (5) of this subsection.

(2) Each full-time or contract building commissioner or other administrative official whose duties include advising the board of zoning appeals shall, each calendar year, attend a minimum of eight (8) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (5) of this subsection.

(3) Each of the individuals listed in subdivisions (1) and (2) of this subsection shall certify by December 31 of each calendar year such individual's attendance by a written statement filed with the secretary of such individual's respective board of zoning appeals. Each statement shall identify the date of

each program attended, its subject matter, location, sponsors, and the time spent in each program.

(4) The legislative body of the county shall be responsible for paying the training and continuing education course registration and travel expenses for each board of zoning appeals member and full time building commissioner or other administrative official whose duties include advising the board of zoning appeals.

(5) The subjects for the training and continuing education required by subdivisions (1) and (2) herein shall include, but not be limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the board of zoning appeals. Other topics reasonably related to the duties of the board of zoning appeals and the building commissioner or other administrative official whose duties include advising the board of zoning appeals may be approved by majority vote of the board of zoning appeals prior to December 31 of the year for which credit is sought.

(6) Each local board of zoning appeals shall keep in its official public record originals of all statements and the written documentation of attendance required to comply with these provisions for three (3) years after the calendar year in which each statement and appurtenant written documentation is filed.

(7) Each board of zoning appeals member and each building commissioner or other administrative official whose duties include advising the board of zoning appeals shall be responsible for obtaining written documentation signed by a representative of the sponsor of any training and continuing education course for which credit is claimed, acknowledging the fact that the individual attended the program for which credit is claimed.

(8) If a board of zoning appeals member fails to complete the requisite number of hours of training and continuing education within the time allotted herein or fails to file the statement required herein, then this shall constitute a cause for the removal of the board of zoning appeals member from the board of zoning appeals.

(9) The legislative body of the county may, at any time, opt out of the provisions of this subsection by passage of a resolution. Further any such legislative body that has opted out may, at a later date, opt in by passage of a resolution.

SECTION 6. Tennessee Code Annotated, Section 13-7-205, is amended by adding the following as a new subsection (c):

(c)(1) Each board of zoning appeals member shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4)



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hours of training and continuing education in one (1) or more of the subjects listed in subdivision (5) of this subsection.

(2) Each full-time or contract building commissioner or other administrative official whose duties include advising the board of zoning appeals shall, each calendar year, attend a minimum of eight (8) hours of training in one (1) or more of the subjects listed in subdivision (5) of this subsection.

(3) Each of the individuals listed in subdivisions (1) and (2) of this subsection shall certify by December 31 of each calendar year such individual's attendance by a written statement filed with the secretary of such individual's respective board of zoning appeals. Each statement shall identify the date of each program attended, its subject matter, location, sponsors, and the time spent in each program.

(4) The legislative body of the municipality shall be responsible for paying the training and continuing education course registration and travel expenses for each board of zoning appeals member and full-time building commissioner or other administrative official whose duties include advising the board of zoning appeals.

(5) The subjects for the training and continuing education required by subdivisions (1) and (2) herein shall include, but not be limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the board of zoning appeals. Other topics reasonably related to the duties of the board of zoning appeals and the building commissioner or other administrative officials whose duties include advising the board of zoning appeals may be approved by majority vote of the board of zoning appeals prior to December 31 of the year for which credit is sought.

(6) Each local board of zoning appeals shall keep in its official public record originals of all statements and the written documentation of attendance required to comply with these provisions for three (3) years after the calendar year in which each statement and appurtenant written documentation is filed.

(7) Each board of zoning appeals member and each building commissioner or other administrative official whose duties include advising the board of zoning appeals shall be responsible for obtaining written documentation signed by a representative of the sponsor of any training and continuing education course for which credit is claimed, acknowledging the fact that the individual attended the program for which credit is claimed.

(8) If a board of zoning appeals member fails to complete the requisite number of hours of training and continuing education within the time allotted herein or fails to file the statement required herein, then this shall constitute a cause for the removal of the board of zoning appeals member from the board of zoning appeals.

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(9) The legislative body of the municipality may, at any time, opt out of the provisions of this subsection by passage of an ordinance. Further any such legislative body that has opted out may, at a later date, opt in by passage of an ordinance.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: July 4, 2002**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 17<sup>th</sup> day of July 2002

  
DON SANQUIST, GOVERNOR

1st Reading October 8, 2002

2nd Reading January 10, 2006

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Mayor

ATTEST: Bonnie K. Boake  
City Recorder