

ORDINANCE 2026-1142

AN ORDINANCE ESTABLISHING A STORMWATER UTILITY FOR THE CITY OF MOUNT PLEASANT

WHEREAS, the City of Mount Pleasant desires to establish a stormwater utility and to establish a graduated stormwater user's fee which will be assessed and collected from each user of the stormwater utility provided by the municipality;

WHEREAS, and a stormwater utility will provide for the collection, treatment, storage and disposal of stormwater provides benefits and services to all property within the incorporated city limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the stormwater and surface water system and its receiving waters of the state; and,

WHEREAS, it is in the best interests of the City of Mount Pleasant to establish the stormwater utility and user fee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MOUNT PLEASANT, TENNESSEE, AS FOLLOWS:

Section 1. That, the Board of Commissioners of the City of Mount Pleasant, pursuant to Tennessee Code Annotated Section 68-221-1101, does hereby adopt the following Title 18, Chapter 6, Stormwater Utility, Sections 18-601 through 18-614, Stormwater Utility Ordinance:

CHAPTER 6

STORMWATER UTILITY ORDINANCE

SECTION

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18-601. Legislative findings and policy. The Mayor and Board of the City of Mount Pleasant, Tennessee finds, determines and declares that the stormwater system which provides for the collection, treatment, storage and disposal of stormwater provides benefits and services to all property within the incorporated city limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the stormwater and surface water system and its receiving waters of the state all of which are managed by the Stormwater Administrator.

18-602. Creation of stormwater utility. For those purposes of Tennessee Code Annotated, § 68-221-1101 *et seq.*, there is created a stormwater utility which shall consist of a manager or director and such staff as the municipality's governing body shall authorize.

The stormwater utility, under the legislative policy, supervision and control of the governing body of the city, shall:

- (1) Administer the acquisition, design, construction, maintenance and operation of the stormwater utility system, including capital improvements designated in the capital improvement program;
- (2) Administer and enforce this ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility stormwater system, including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby;
- (3) Advise the municipality's governing body (Board of Mayor and Commissioners) and other City of Mount Pleasant departments on matters relating to the utility;
- (4) Prepare and revise a comprehensive drainage plan for adoption by the municipality's governing body;
- (5) Review plans and approve or deny, inspect and accept extensions and connections to the system;
- (6) Enforce regulations to protect and maintain water quality and quantity within the system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended;
- (7) Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, civil penalties and other revenues of the utility.

18-603. Definitions. For the purpose of this ordinance, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

- (1) "Appeal" means a request for review of the Stormwater Administrator's interpretation of any provision of these regulations.
- (2) "Base rate" means the stormwater user's fee for a detached single family residential property in the City of Mount Pleasant.
- (3) "Best Management Practices" or "BMPs" means the physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Mount Pleasant, and that have been incorporated by reference into the Stormwater Management Ordinance as if fully set out therein.
- (4) "Board of Mayor and Commissioners" means the governing body for the City of Mount Pleasant.
- (5) "City" means the City of Mount Pleasant, Tennessee.
- (6) "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of stormwater facilities; preliminary planning to determine the economic and engineering feasibility of stormwater facilities; the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of stormwater facilities; and the inspection and supervision of the construction of stormwater facilities;
- (7) "Deficient property" means developed property that does not have adequate stormwater facilities as required by the City of Mount Pleasant minimum drainage requirements for development.
- (8) "Developed property" means real property which has been altered from its natural state by the creation or addition of impervious areas, by the addition of any buildings, structures, pavement or other improvements, or by the alteration of the property that results in a meaningful change in the hydrology of the property.
- (9) "Equivalent residential unit" or "ERU" means the average square footage of a detached single family residential property determined pursuant to this ordinance.
- (11) "Exempt property" means all property outside of the incorporated City Limits, undeveloped property that is not altered from its natural state, cemeteries, City (and county) right of ways, state right of ways, and railroad right of ways.
- (12) "Fee" or "Stormwater user's fee" means the charge established under this ordinance and levied on owners or users of parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the City. The stormwater user's fee is in addition to any other fee that the City of Mount Pleasant has the right to charge under any other rule or

regulation of the City of Mount Pleasant.

- (13) “Fiscal year” means July 1 of a calendar year to June 30 of the next calendar year, both inclusive.
- (14) “Impervious surface” means a surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.
- (15) “Impervious surface area” means the number of square feet of horizontal surface covered by buildings, and other impervious surfaces. All building measurements shall be made between exterior faces of the structure, foundations, columns or other means of support or enclosure.
- (17) “Other Developed Property” means all Developed Property located within the municipal limits of the city other than (i) Single Family Residential Property; and (ii) Exempt Property. For example, Other Developed Property includes but is not limited to commercial properties, industrial properties, institutional properties, apartments, parking lots, hospitals, recreational and cultural facilities, hotels, offices, churches, federal, state and local government properties and multi-use properties. Such property shall also include single family dwellings which are attached to or otherwise a part of a building housing a commercial enterprise. Any multi-family residential structure which contains more than two attached dwelling units is specifically included in this definition.
- (18) “Property Owner or Owner” means the owner of property subject to the stormwater user fee imposed by this ordinance. See “User”
- (19) “Cemetery” means all developed property owned or recognized by federal, state and/or local governments and that has been designated by such governmental entity for use as a cemetery.
 - (20) “Person” means any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.
- (21) “Single family residential property” means a developed property which serves the primary purpose of providing a permanent dwelling unit to a single family. A single family detached dwelling or a townhouse containing an accessory apartment or second dwelling unit is included in this definition. Multi-family residential structures where more than two attached dwelling units are contained within a building or multiple buildings within a complex, for example triplexes and apartment complexes, are not included in this definition.
- (22) "Stormwater" means stormwater runoff, snow melt runoff, infiltration, and drainage in response to precipitation.
- (23) "Stormwater Administrator" refers to the person(s) designated by the Board of Mayor and Commissioners
- (24) “Stormwater Appeal Board” means the City of Mount Pleasant’s Board of Mayor and Commissioners.
- (25) “Stormwater management” means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading, erosion, tree conservation, and sediment control.
- (26) "Stormwater management fund" or “fund” means the fund created by this ordinance to operate, maintain, and improve the City’s stormwater system.
- (27) “Stormwater system” or “System” means all stormwater facilities, stormwater drainage systems and flood protection systems of the City and all improvements thereto which operate to, among other things, control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, prevent or reduce flooding, over drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.
- (28) “Stormwater Utility” means a management structure that is responsible solely and specifically for the stormwater management program and system.
- (29) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes, reservoirs, ponds, wetlands, marches, and sinkholes.
- (30) “Undeveloped Property” shall mean property that is in its natural state and has not

- been developed; does not have impervious surfaces on it.
- (31) “User” shall mean the owner of record of property subject to the stormwater user fee imposed by this ordinance. See “Owner.”

18-604. Funding of stormwater utility. Funding for the stormwater utility’s activities may include, but not be limited to, the following:

- (1) Stormwater user’s fees.
- (2) Civil penalties and damage assessments imposed for or arising from the violation of the City’s stormwater management ordinance.
- (3) Land disturbance permit and inspection fees.
- (4) Other funds or income obtained from federal, state, local, and private grants, or revolving funds, and from the Local Government Public Obligations Act of 1986 (Tennessee Code Annotated, title 9, chapter 21).

To the extent that the stormwater drainage fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such city funds as may be determined by the Board of Mayor and Commissioners.

18-605. Stormwater Management Fund. All revenues generated by or on behalf of the stormwater utility shall be deposited in a Stormwater Management Fund and used exclusively for the stormwater utility.

18-606. Operating Budget. The Board of Mayor and Commissioners shall adopt, based on a recommendation from the Stormwater Administrator, Public Works Director, and Finance Director, an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service.

18-607. Stormwater User Fee. There shall be imposed on each and every developed property in the City of Mount Pleasant, except exempt property, a stormwater user fee which will be charged monthly, which shall be set from time to time by ordinance, in the fee schedule as adopted by the City of Mount Pleasant, and in the manner and amount prescribed by this ordinance.

The City of Mount Pleasant shall conduct annually recurring reviews of fee rates. Prior to amending user fees, the municipality shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the city at least thirty (30) days in advance of the meeting of the municipality’s governing body which shall consider the adoption of the fee or its amendment.

18-608. Equivalent residential unit (ERU).

- (1) Establishment. There is established for purposes of calculating the stormwater user fee the equivalent residential unit (ERU).
- (2) Definition. The ERU is the average square footage of impervious area on a detached single family residential property (currently 5,781 square feet).
- (3) Setting the ERU. The ERU shall be set by the Board of Mayor and Commissioners by ordinance.
- (4) Source of ERU. The Board of Mayor and Commissioners shall have the discretion to determine the source of the data from which the ERU is established, taking into consideration the general acceptance and use of such source on the part of other stormwater systems, and the reliability and general accuracy of the source. The Board of Mayor and Commissioners shall have the discretion to determine the impervious surface area of other developed property through property tax assessor’s rolls or site examination, mapping information, aerial photographs, and other reliable information.
- (5) Evaluation of ERU. The ERU shall be evaluated by the Stormwater Utility as necessary.

18-609. Property classification for Stormwater User Fees. For purposes of determining the stormwater user fee, all properties in the City of Mount Pleasant are classified into one of the following classes:

- (a) Single family residential property;

- (b) Other developed property;
- (c) Exempt property.

(1) Single family residential fee. The Board of Mayor and Commissioners finds that the intensity of development of most parcels of real property in the City of Mount Pleasant classified as single family residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structures, and other impervious areas) on each such parcel. Therefore, all single family residential properties in the City of Mount Pleasant shall be charged a monthly stormwater management fee based on the size of the parcel. The Fee schedule is listed in Table 9.1 Single Family Residential Stormwater Utility Fee Rates.

Table 9.1 Single Family Residential Stormwater Utility Fee Rates

Residential Tiered Rate Table	
<u>Parcel Area</u>	<u>Monthly Fee</u>
≤10,000 sq. ft.	\$3.50
10,000-15,000 sq. ft.	\$5.25
≥ 15,000 sq. ft.	\$7.00

(2) Other developed property fee. The monthly fee for other developed property (i.e., non-single-family residential property) in the City of Mount Pleasant shall be the base rate multiplied by the numerical factor obtained by dividing the total impervious area (square feet) of the property by one ERU. The impervious surface area for other developed property is the square footage for the buildings and other impervious improvements on the property. The fee schedule is listed in Table 9.2 Other Developed Property Stormwater Utility Fee Rates.

Table 9.2 Other Developed Property Stormwater Utility Fee Rates.

Other Developed Property Rate Table	
<u>Impervious Square Footage</u>	<u>Fee</u>
1-25,000	\$15
25,001 - 45,000	\$27
45,001 - 70,000	\$42
70,001 - 100,000	\$61
100,001 - 145,000	\$88
145,001 - 200,000	\$121
200,001 - 275,000	\$166
275,001 - 400,000	\$242
400,001 - 600,000	\$363
600,000 - 900,000	\$545
900,001 - 1,500,000	\$908
1,500,001 - 3,000,000	\$1,816

(3) Exempt property. There shall be no stormwater user fee for exempt property.

18-610. Base Rate. The Board of Mayor and Commissioners shall, by ordinance, establish the base rate for the ERU. The base rate shall be calculated to ensure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the City of Mount Pleasant. To the extent that the stormwater drainage fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such city funds as may be determined by the Board of Mayor and Commissioners.

18-611. Property owners to pay charges. The owner of each non-exempt lot or parcel shall pay the stormwater user fee as provided in this ordinance.

18-612. Section 12. Billing procedures and penalties for late payment.

- (1) Rate and collection schedule. The stormwater user fee shall be set at a rate as set forth in the Stormwater User Fee Schedule as adopted by the Board of Mayor and Commissioners by ordinance, collected at a location, and collected on a schedule, established in accordance with this ordinance. The stormwater user fee shall be billed and collected monthly with the monthly utility services bill for those properties within the incorporated limits. The stormwater user fee for those properties utilizing City utilities is generally paid by a single monthly payment to the City of Mount Pleasant, unless other means of billing is established at any time by the City.

The stormwater user fee for those properties utilizing utilities not provided by the City of Mount Pleasant shall be billed and collected monthly by the City of Mount Pleasant directly or as directed by the Finance Director. All bills for the stormwater user fee shall become due and payable in accordance with the rules and regulations of the applicable utilities department pertaining to the collection of the stormwater user fees.

- (2) Delinquent bills. The stormwater user fee shall be considered delinquent if not received by the City of Mount Pleasant or applicable billing water utility by the due date stated within the utility statement, and subsequent late fees shall be imposed as set forth in the fee schedule as adopted by the Board of Mayor and Commissioners as established by this ordinance.
- (3) Penalties for late payment. Stormwater users' fees shall be subject to a late fee established by ordinance as indicated in the Stormwater User Fee Schedule. Pursuant to the Stormwater utilities' contract with the Mount Pleasant Utilities Department to bill and collect stormwater fees, the City or other collecting utility provider may discontinue utility service to any stormwater user who fails or refuses to pay the stormwater user fees. The City may refuse to accept payment of the utility bill from any user without receiving the full payment of the stormwater user fee charges owed by such user and further may refuse to re-establish service until all such fees have been paid in full. The municipality shall be entitled to recover attorney's fees incurred in collecting delinquent drainage fees. Any charge due under this ordinance which shall not be paid may be recovered at law by the municipality.
- (4) Mandatory statement. The City of Mount Pleasant is not covered under the MS4 requirement of the Clean Water Act ("CWA") and Tennessee Water Quality Control Act ("TWQCA"), but the fees assessed by this ordinance are expressly authorized by Tenn. Code Ann. §§ 68-221-1101 to -1113 to operate a stormwater utility, maintain flood controls, and generally protect the public. Pursuant to Tennessee Code Annotated § 68-221-1112, each bill that shall contain stormwater user fees shall contain the following statement in bold: **"THE STORMWATER FEE HAS BEEN MANDATED BY CONGRESS PURSUANT TO TENNESSEE CODE ANNOTATED § 68-221-1112"**. The City of Mount Pleasant Board of Mayor and Commissioners hereby finds and declares that the stormwater user fee is a utility service fee and not a tax.

18-613. Appeals of fees.

- (1) Any person who disagrees with the calculation of the stormwater user fee, as provided in this ordinance, or who seeks a stormwater user fee adjustment based upon stormwater management practices, may appeal such fee determination to the City of Mount Pleasant's Board of Mayor and Commissioners within thirty (30) days after the payment is due. Any appeal not filed within the time permitted by this section shall be deemed waived.

- (2) All appeals shall be filed in writing addressed to the Stormwater Administrator for the City of Mount Pleasant and shall state the grounds for the appeal and the amount of the stormwater user fee the appellant asserts is appropriate. The appeal shall provide such information and documentation supporting the basis for the appeal. The Stormwater Administrator may request additional information from the appealing party. The appeal shall be accompanied by a non-refundable appeal review fee of \$100.
- (3) Any matter, decision, conclusion, pronouncement, or evaluation made by the City cannot be considered for The Mount Pleasant Board of Mayor and Commissioners review until the matter has first been submitted to the City of Mount Pleasant Stormwater Department for evaluation. Only after the Public Works Director and Stormwater Administrator has had an opportunity to fully consider the matter, and denied the appeal, or a timely review has not taken place, can Appellate Review be considered with the Mount Pleasant Stormwater Appeal Board.
- (4) The Mount Pleasant Board of Mayor and Commissioners shall then review the appeal and determine whether the challenged determination is consistent with the provisions of this chapter. Appeals related to the stormwater user fee shall be decided based on substantiated evidence with a sound engineering and factual basis. All appeal determinations shall be applied utilizing a strict interpretation of the Stormwater Utility Ordinance. At any hearing related to an appeal or credit determination, the City shall be allowed to present evidence, findings, and recommendations; appealing parties and applicants shall be given an opportunity to present evidence, findings, and recommendations.
- (5) The Mount Pleasant Board of Mayor and Commissioners may request additional information from the appealing party; the committee may defer the determination of an appeal one time to the next regularly scheduled meeting of the Mount Pleasant Stormwater Appeal board. Each appeal shall be placed on the Mount Pleasant Board of Mayor and Commissioners agenda for the next scheduled meeting, which meeting is at least twenty (20) days after the Stormwater Administrator receives the written appeal.
- (6) The Stormwater Administrator shall notify the appellant customer of the date of the appeal review hearing in writing; such written notice shall be given at least ten (10) days prior to the hearing by regular mail at the address provided in the written appeal document. The decision of the Mount Pleasant Board of Mayor and Commissioners shall be final and conclusive with no further administrative review.
- (7) If a refund is due, the Finance Director shall authorize the refund which will be provided as the Stormwater Administrator deems necessary.

18-614. Stormwater User Fee Credits and Adjustments

- (1) All applications for stormwater user fee credits and adjustments shall be submitted as outlined in the City of Mount Pleasant's Stormwater Utility Credit Manual. Stormwater user fee credits and adjustments may be available for Other Developed properties that provide an up-to-date certified engineered plan, stamped by a current registered engineer licensed to practice in Tennessee, documenting reduced stormwater runoff and showing the stormwater on the property is not encountering the City's stormwater system. A detailed hydrologic report is required.

Section 2. This Ordinance is in conformity with anticipated stormwater revenues for the Fiscal Year beginning July 1, 2026 through June 30, 2027 according to Budget Ordinance 2026-1133.

Section 3. If any one or more of the provisions of this Ordinance, or any exhibit or attachment thereof, shall be held invalid, illegal, or unenforceable in any respect, by final decree

of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Ordinance, and the exhibits and attachments thereof, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 4. This Ordinance shall take effect upon final passage.

Approved and adopted this _____ day of _____, 2026.

WILLIAM F. WHITE, JR., MAYOR

ATTEST:

SHIPHRAH COX, RECORDER

LEGAL FORM APPROVED:

KORI BLEDSOE JONES, ATTORNEY

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____