

ORDINANCE 2026-1143

AN ORDINANCE ESTABLISHING A STORMWATER MANGEMENT PROGRAM FOR THE CITY OF MOUNT PLEASANT

WHEREAS, the City of Mount Pleasant desires to establish a stormwater management ordinance to support and exercise general regulation over the stormwater; and,

WHEREAS, the purpose of the stormwater management ordinance is to grant the City the authority to exercise the management powers granted in Tennessee Code Annotated § 68-221-1105; and,

WHEREAS, stormwater management protects the public health and is in the best interests of the City of Mount Pleasant.

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 § 68-221-1105, does hereby adopt the following Title 18, Chapter 7, Stormwater Management, Sections 18-701 through 18-710, Stormwater Utility Ordinance:

CHAPTER 7

STORMWATER MAINTENANCE ORDINANCE

SECTION

- 18-701 General provisions.
- 18-702 Definitions.
- 18-703 Construction Stormwater Management and Land Disturbance Permit Requirements
- 18-704 Permanent Stormwater Management: Design Requirements.
- 18-705 Permanent Stormwater Control Measure (SCM) maintenance and inspection.
- 18-706 Permanent Stormwater Control Measure (SCM): new development, existing locations and ongoing developments.
- 18-707 Illicit discharges.
- 18-708 Enforcement.
- 18-709 Penalties.
- 18-710 Appeals.

18-701. General provisions

- 1. Purpose. It is the purpose of this chapter to:
 - a. Protect, maintain, and enhance the environment of the City and the public health, safety and the general welfare of the citizens of the City, by controlling discharges of pollutants to the City’s stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the City;
 - b. Allow the City to exercise the powers granted in Tennessee Code Annotated § 68-221-1105, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:
 - i. Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the City, whether or not owned and operated by the City;
 - iv. Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

- iii. Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
- iv. Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;
- v. Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;
- vi. Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
- vii. Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
- viii. Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

2. Administering entity. The City shall administer the provisions of this chapter.

3. Stormwater management ordinance. The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering tool for permit compliance and to facilitate the necessary control of stormwater.

18-702. Definitions.

For the purpose of this chapter/title, 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. Administrative or Civil Penalties - Under the authority provided in Tennessee Code Annotated § 68-221-1106, the City declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

2. Analytical Monitoring - Test Procedures for the Analysis of Pollutants - Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act (the "Act"), as amended, under which such procedures may be required. Pollutant parameters shall be determined using sufficiently sensitive methods in Title 40 C.F.R. § 136, as amended, and promulgated pursuant to Section 304 (h) of the Act. The chosen methods must be sufficiently sensitive as required in state rule 0400-40-03-.05(8).

3. Aquatic Resource Alteration Permit (ARAP) - Physical alterations to properties of the Waters of the State require an ARAP or a §401 Water Quality Certification (§401 certification). ARAP means a permit issued pursuant to T.C.A. § 69-3-108 of the Act, which authorizes the alteration of properties of waters of the state that result from activities other than discharges of wastewater through a pipe, ditch, or other conveyance.

4. As built plans (record drawings) mean drawings depicting conditions as they were actually constructed.

5. Best Management Practices (“BMPs”) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures; and practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage. BMPs include source control practices (non-structural BMPs) and engineered structures designed to treat runoff.

- Structural BMPs are facilities that help prevent pollutants in stormwater runoff from leaving the site.
- Non-structural BMPs are techniques, activities and processes that reduce pollutants at the source.

6. Borrow Pit is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity.

7. Buffer Zone is a permanent strip of natural perennial vegetation, adjacent to a stream, river, wetland, pond, or lake that contains dense vegetation made up of grass, shrubs, and/or trees. The purpose of a water quality riparian buffer is to maintain existing water quality by minimizing risk of any potential sediments, nutrients or other pollutants reaching adjacent surface waters and to further prevent negative water quality impacts by providing canopy over adjacent waters.

8. Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

9. City means the City of Mount Pleasant, Tennessee.

10. Clearing refers to removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also refer to wide area land disturbance in anticipation of non-construction activities. Clearing, grading, and excavation do not refer to clearing of vegetation along existing or new roadways, highways, dams, or power lines for sight distance or other maintenance and/or safety concerns, or cold planing, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces. The clearing of land for agricultural purposes is exempt from federal stormwater NPDES permitting in accordance with Section 401(1)(1) of the 1987 Water Quality Act and state stormwater NPDES permitting in accordance with the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.).

11. Commencement of construction is the initial disturbance of soils associated with clearing, grading, excavating or other construction activities.

12. Common plan of development or sale is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

13. Control measure refers to any Best Management Practice (BMP) or other method used to prevent or reduce the discharge of pollutants to waters of the state.

14. Design storm is a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., 1-yr, 2-yr, 5-yr, 25-yr, etc.,) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the NOAA National Weather Service Atlas 14 data for Tennessee: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html. The 2-yr, 5-yr, 10-yr, 25-yr,

50-yr, and 100-yr design storm events shall be analyzed for proposed projects within the City of Mount Pleasant.

15. Discharge or discharge of a pollutant refers to the addition of pollutants to waters from a source.

16. Disturbed Area means the total area presented as part of the development (and/or of a larger common plan of development) subject to being cleared, graded, grubbed, filled or excavated during the life of the development. The area cannot be limited to only the portion of the total area that the site-wide owner/developer initially disturbs through the process of various land clearing activities or in the construction of roadways, sewers, drainfields, and water utilities, stormwater drainage structures, etc., to make the property marketable.

17. Exceptional Tennessee Waters are surface waters designated by the Tennessee Department of Environment and Conservation as having the characteristics set forth at Tennessee Rules, Chapter 0400-40-03-.06(4). Characteristics include waters within parks or refuges; scenic rivers; waters with threatened or endangered species; waters that provide specialized recreational opportunities; waters within areas designated as lands unsuitable for mining; waters with naturally reproducing trout; waters with exceptional biological diversity and other waters with outstanding ecological or recreational value.

18. Improved sinkhole is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under the Underground Injection Control (UIC) program of the Tennessee Department of Environment and Conservation. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures and crevices, such as those commonly associated with weathering of limestone. More information regarding an Underground Injection Control Permit can be found on TDEC's DWR webpage at <https://www.tn.gov/content/tn/environment/permit-permits/water-permits1/underground-injection-control-permit.html>

19. Inspector means a Person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

- Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around Waters of the State;
- Updated field SWPPP's;
- Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and
- Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.

20. Level 1 - Fundamentals of Erosion Prevention and Sediment Control training and certification program administered by University of Tennessee Water Resources Research Center (<https://tnepsc.org/index.asp>).

21. Level 2 - Design Principles for Erosion Prevention and Sediment Control for Construction Sites training and certification program administered by University of Tennessee Water Resources Research Center (<https://tnepsc.org/index.asp>).

22. Linear Project is a land disturbing activity as conducted by an underground/overhead utility or highway department, including, but not limited to, any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities

include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas and borrow/spoil sites associated with the linear project. Land disturbance specific to the development of residential and commercial subdivisions or high-rise structures is not considered a linear project.

23. Maintenance Agreement or Long Term Maintenance Agreement means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practice.

24. Monitoring refers to tracking or measuring activities, progress, results, etc., and can refer to non-analytical monitoring for pollutants by means other than 40 C.F.R. § 136 (and other than state- or federally established protocols in the case of biological monitoring and assessments), such as visually or by qualitative tools that provide comparative values or rough estimates.

25. Municipal Separate Storm Sewer System (MS4) includes the conveyances owned or operated by the City for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, and where the context indicates, it means the municipality that owns the separate storm sewer system. For the purposes of this ordinance, MS4 does not refer to a TDEC regulated MS4 as defined in 40 C.F.R. § 122.26(b)(16) as the City of Mount Pleasant does not meet those criteria.

26. Municipality means any incorporated city or town, county, metropolitan or consolidated government, or special district of this state empowered to provide stormwater facilities.

27. Owner/Operator means any person who owns, leases, operates, controls, or supervises a source. Including, but not limited to, an owner or operator of any “facility or activity” subject to regulation under this ordinance and permittee of the Land Disturbance Permit.

28. Peak Flow means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

29. Permanent Stabilization means that all soil disturbing activities at the site have been completed and one of the three following criteria is met:

- A perennial, preferably native, vegetative cover with a uniform (i.e., evenly distributed, without large bare areas) density of at least 70 percent has been established on all unpaved areas and areas not covered by permanent structures, and all slopes and channels have been permanently stabilized against erosion.
- Equivalent permanent stabilization measures such as the use of riprap; permanent geotextiles; hardened surface materials including concrete, asphalt, gabion baskets or Reno mattresses have been employed.
- For construction projects on land used for agricultural or silvicultural purposes, permanent stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural or silvicultural use.

30. Point source (or Outfall) means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include introduction of pollutants from non-point source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, forest lands or return flows from irrigated agriculture or agricultural stormwater runoff. In short, outfall is a point where runoff leaves the site as a concentrated flow in a discrete conveyance.

31. Pollutant means sewage, industrial wastes, or other wastes.

32. Priority Area means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hotspots, but that term is not limited to only these land uses:

- a. Vehicle salvage yards and recycling facilities
- b. Vehicle service and maintenance facilities
- c. Vehicle and equipment cleaning facilities
- d. Fleet storage areas (bus, truck, etc.)
- e. Industrial sites (included on Standard Industrial Classification code list)
- f. Marinas (service and maintenance)
- g. Public works storage areas
- h. Facilities that generate or store hazardous waste materials
- i. Commercial container nursery
- j. Restaurants and food service facilities
- k. Other land uses and activities as designated by an appropriate review authority.

33. Priority construction means those construction activities discharging directly into, or immediately upstream of, waters the state recognized as unavailable condition for siltation or Exceptional Tennessee Waters.

34. Registered Engineer and Registered Landscape Architect An engineer or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code Annotated, to practice in Tennessee.

35. Riparian Buffer see “Buffer Zone”.

36. Runoff coefficient means the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficient is also defined as the ratio of the amount of water that is not absorbed by the surface to the total amount of water that falls during a rainstorm.

37. Sediment means solid material, both inorganic (mineral) and organic, that is in suspension, is being transported; or has been moved from the site of origin by wind, water, gravity or ice as a product of erosion.

38. Sediment basin A temporary basin consisting of an embankment constructed across a wet weather conveyance, an excavation that creates a basin or by a combination of both. A sediment basin typically consists of a forebay cell, impoundment, permanent pool, primary spillway, secondary or emergency spillway and surface dewatering device. The size and shape of the basin depend on the location, size of drainage area, incoming runoff volume and peak flow, soil type and particle size, land cover, and receiving stream classification (i.e., waters with unavailable parameters for siltation, Exceptional TN Waters).

39. Sedimentation means the action or process of forming or depositing sediment.

40. Significant Contributor is defined as a source of pollutants where the volume, concentration, or mass of a pollutant in a stormwater discharge can cause or threaten to cause pollution, contamination, or nuisance that adversely impact human health or the environment and cause or contribute to a violation of any applicable water quality standards for receiving water.

41. Soil or Topsoil means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

42. Steep Slope or Steep Grade means a natural or created slope of 35% grade or greater.

43. Stormwater means rainfall runoff, snow melt runoff, and surface runoff and drainage.
44. Stormwater control measure (SCM) means permanent practices and measures designed to reduce the discharge of pollutants from new development projects or redevelopment projects.
45. Stormwater associated with industrial activity is defined in 40 C.F.R. 122.26(b)(14) and incorporated here by reference. Most relevant to the City is 40 C.F.R. 122.26(b)(14)(x), which relates to construction activity including clearing, grading, filling and excavation activities, including borrow pits containing erodible material. Disturbance of soil for the purpose of crop production is exempt from NPDES permit requirements, but stormwater discharges from agriculture-related activities that involve construction of structures (e.g., barn construction, road construction, pond construction) are considered associated with industrial (construction) activity. Maintenance to the original line and grade, hydraulic capacity; or to the original purpose of the facility (e.g., re-clearing, minor excavation performed around an existing structure necessary for maintenance or repair and repaving of an existing road) is not considered a construction activity.
46. Construction Stormwater discharge-related activities means activities that cause, contribute to or result in point source stormwater pollutant discharges. These activities may include excavation, site development, grading and other surface disturbance activities; and activities to control stormwater including the siting, construction and operation of best management practices (BMPs).
47. Stormwater management facilities means drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
48. Stormwater management feature means any feature, facility, area, or infrastructure that is designed for stormwater use that carries, captures, controls, conveys, directs, dissipates, discharges, treats, detains, retains, infiltrates, stores, settles or evapotranspires stormwater. Also known as, but not limited to, a Best Management Practice (BMP), stormwater management area, stormwater management feature, stormwater management facility, Least Impact Development practice or features (LID), or Green Infrastructure (GI).
49. Stormwater management plan means a set of drawings and other documents that comprise all the information and specifications of the programs, drainage systems, structures, SCMs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.
50. Stormwater Pollution Prevention Plan (SWPPP) is a written site-specific plan required by the Tennessee Construction General Permit (CGP) that includes a narrative pollution prevention plan and graphical erosion and sediment control plan. In its basic form, the plan contains a site map, a description of construction activities that could introduce pollutants to stormwater runoff, a description of measures or practices to control these pollutants, and erosion and sediment control plans and specifications. The SWPPP should be prepared in accordance with the Tennessee Erosion Prevention and Sediment Control Handbook (latest edition).
51. Stream as defined by TCA 69-3-103(38) “stream” means a surface water that is not a wet weather conveyance.
52. Take of an endangered species means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct.
53. TDEC refers to the Tennessee Department of Environmental Conservation.
54. Tennessee Erosion Prevention and Sediment Control Handbook is guidance issued by the Division of Water Resources for the purpose of developing Stormwater

Pollution Prevention Plans and Erosion and Sediment Control Plans required by the Construction General Permit CGP.

55. Temporary stabilization is achieved when vegetation or non-erodible surface has been established on the area of disturbance and construction activity has temporarily ceased. Under certain conditions, temporary stabilization is required when construction activities temporarily cease.

56. Waste site is an area where material from a construction site is disposed of. When the material is erodible, such as soil, the site must be treated as a construction site.

57. Waters (or waters of the state) means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof, except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

58. Waters with unavailable parameters means any segment of surface waters that has been identified by the TDEC as failing to support one or more classified uses. Unavailable parameters exist where water quality is at, or fails to meet, the levels specified in water quality criteria in Rule 0400-40-03-.03, even if caused by natural conditions. In the case of a criterion that is a single response variable or is derived from measurement of multiple response variables, the unavailable parameters shall be the agents causing water quality to be at or failing to meet the levels specified in criteria. Resources to be used in making this determination include biennial compilations of impaired waters, databases of assessment information, updated GIS coverages (<https://tdeconline.tn.gov/dwr/>), and the results of recent field surveys. GIS coverages of the streams and lakes not meeting water quality standards, plus the biennial list of waters with unavailable parameters, can be found at <https://www.tn.gov/environment/program-areas/wr-water-resources/water-quality/water-quality-reports---publications.html>.

59. Water quality riparian buffer see “Buffer Zone”.

60. Wet weather conveyances are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that meet the following:

- The conveyance carries flow only in direct response to precipitation runoff in its immediate locality;
- The conveyance’s channels are at all times above the groundwater table;
- The flow carried by the conveyance is not suitable for drinking water supplies; and
- Hydrological and biological analyses indicate that, due to naturally occurring ephemeral or low flow under normal weather conditions, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two months. (Tennessee Rules, Chapter 0400-40-3-.04(3)).

18-703. Construction Stormwater Management And Land Disturbance Permit Requirements

1. Stormwater Construction BMP Manual.

a. Adoption. The City adopts as its stormwater construction BMP manual(s) the following publication(s), which is incorporated by reference in this ordinance as if fully set out herein:

- i. Tennessee Permanent Stormwater Management and Design Guidance Manual (most current edition) – for permanent purposes;
- ii. Tennessee Erosion Prevention and Sediment Control Handbook (most current edition) – for temporary purposes.

2. Exceptional Tennessee Waters. The municipality has adopted, for use in designing EPSC measures, the design storm requirements from the current Tennessee

Construction General Permit for all waters as well as special conditions for unavailable parameters for siltation/sedimentation or Exceptional Tennessee Waters (ETWs).

3. Development or redevelopment. This section shall be applicable to all land development and redevelopment, including, but not limited to, site plan applications, subdivision applications, and land disturbance permit (LDP) applications. These standards apply to any new development or redevelopment sites according to Table 1 below:

Total Disturbed Area	LDP Required?	City forms/checklists to complete	Stormwater Management Plan Required?	CGP Coverage Required?
Less than 10,000 ft ²	No, except see Section 18-703 (3)(a)	None	No	No, unless part of a larger common plan of development or sale
10,000 ft ² – 0.99 acre	Yes	Application and Checklists	Yes; See Checklists	No, unless part of a larger common plan of development or sale
1 acre or greater or part of a larger common plan of development or sale	Yes	Application and Checklists	Yes; See Checklists	Yes

- a. Projects of less than 10,000 ft² of total land disturbance may also be required to obtain authorization under this ordinance if:
 - i. the City has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard; or is likely to be a significant contributor of pollutants to water of the state,
 - ii. changes in state or federal rules require sites of less than one acre that are not part of a larger common plan of development or sale to obtain a stormwater permit;
 - iii. any new development or redevelopment, regardless of size, that is defined by the City to be a priority area; or
 - iv. the minimum applicability criteria set forth in item (a) above if such activities are part of a larger common plan of development, (see “common plan of development” definition).
 - v. The creation and use of borrow pits, that are not permitted under the Tennessee Multi Sector Permit (TMSP), where material is excavated and relocated offsite, and fill sites where materials or earth is deposited by mechanized methods resulting in an increased elevation or grade.
 - vi. As determined by the City for single or duplex residential lots of any size, lots that have karst features, adjoining lakes or streams, slopes exceeding fifteen percent (15%), floodplains or streams to cross are required to submit an erosion control and stormwater management plan.
 - vii. Land disturbance activities within the floodplain, floodway, or flood-prone area require a permit and shall provide evidence of obtaining appropriate licenses/permits that may be required by federal or state laws and regulations or written waiver from such permits and licenses prior to the issuance of a land disturbance permit by the City.
 - viii. A permit may also be required for other comparable activities as determined by the City.

4. Land disturbance Permit. Persons seeking the issuance of any land disturbance permit must provide proof of coverage under the Tennessee Construction

General Permit (CGP) (if applicable) when requested; and a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the City when requested.

- a. Copies of additional applicable local, state or federal permits (i.e.: ARAP, approved hydrologic determination, etc.) must also be provided to the City.
 - b. The City has the authority to withhold local permits prior to receiving copies of the aforementioned permits.
 - c. In circumstances where no such permits have been required, the City may still require a SWPPP as part of the land disturbance permit application.
5. Building Permit. No building permit shall be issued until the applicant has first obtained a land disturbance permit where required by this ordinance.
6. Permit Duration – Every LDP shall expire and become null and void if substantial progress authorized by such permit has not been completed within any six (6) month period following the issuance. Permit extension requests may be made in writing to the City.
7. Changes to Approved LDP Plans. The permittee must submit revised plans to the City for review and approval if changes are proposed to the originally City Approved plans. The revised plans must be submitted prior to changes being implemented in the field.
8. Construction site operators are required to do the following:
- a. implement appropriate erosion prevention and sediment control measures and best management practices. EPSC requirements shall meet the Tennessee’s CGP design storm(s), be consistent with the Tennessee Erosion Prevention and Sediment Control Handbook best management practices and with the requirements of this ordinance.
 - b. minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater.
9. Site Assessments. Where site assessments are required by the CGP, the operator/permittee shall provide a copy of the assessment to the City.
10. Inspections and Maintenance.
- a. Right of Entry.
 - i. The City may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system, stream(s), or via any other private or public stormwater management facility and/or SCM during all reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this ordinance.
 - ii. Where a property, site, or facility has security measures in place that require proper identification and clearance before entry into its premises, the operator/permittee shall make necessary arrangement with its security personnel so that, upon presentation of suitable identification, the City of Mount Pleasant will be permitted to enter without delay for the purposes of performing specific responsibilities as it relates to the provisions of this ordinance.
 - b. LDP EPSC inspections. The LDP permittee shall perform routine inspections as follows:
 - i. Inspections shall be documented and the permittee shall maintain records of the documented inspections on site (or other location accessible to the City).

- ii. All erosion prevention and sediment control (EPSC) measures shall be inspected to verify and document the functionality and performance of the measures.
- c. All EPSC measures shall be maintained by the LDP permittee to ensure that they are functioning as designed. Failure to maintain measures constitutes a violation of this ordinance.

11. Landscaping and stabilization requirements.

- a. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be stabilized. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed not later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. For areas of steep slopes, stabilization must be completed not later than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:
 - i. where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or
 - ii. where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 14 days.
- b. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.
- c. The following criteria shall apply to revegetation efforts:
 - i. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
 - ii. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
 - iii. Any area of revegetation must exhibit survival of a minimum of seventy percent (70%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy percent (70%) survival for one (1) year is achieved.
 - iv. Prior to receiving an occupation permit, permanent stabilization must be established over the entire site.

12. Notice of Termination (NOT). When applicable, the permittee shall provide the City with a copy of the NOT when it is issued by TDEC.

13. As built (Record) Drawings. All LDP permittees are required to submit as-built drawings for any SCMs and/or stormwater management facilities located on-site within 90 days after final construction of the SCMs has been completed. The drawing(s) must show the final design specifications for all stormwater management facilities and/or SCMs and must be sealed by a registered professional engineer licensed to practice in Tennessee. For further as-built drawings requirements, refer to 18-705 of this ordinance.

18-704. Permanent Stormwater Management: Design Requirements

1. The City has adopted, for use in designing Stormwater Control Measures, construction design storm events. The construction design storm events adopted by the City are as follows: 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour, storm events.

2. Requirements for design storm for all waters as well as special conditions for unavailable parameters waters or exceptional Tennessee waters must be consistent with those of the current Tennessee Construction General Permit (TNR100000).

3. Additional requirements for infiltration-based SCMs are as follows:
- i. Infiltration testing shall be required for all infiltration-based SCMs;
 - ii. The project designer shall select the appropriate infiltration testing methodology, such as those provided within Appendix A of the Tennessee Permanent Stormwater Management and Design Guidance Manual; and
 - iii. At a minimum, testing shall identify a minimum 2-foot separation from bedrock and the seasonal high-water table from the invert of the infiltration-based SCM(s).

4. SCMs must be designed to provide full treatment capacity within 72 hours following the end of the preceding rain event for the life of the new development or redevelopment project. The designer may select from the most appropriate alternatives listed in the City's BMP Manual for permanent purposes.

5. Minimum volume control requirements. In accordance with 18-701(1)(b)(iii) the City of Mount Pleasant establishes the following standards to regulate the quantity of stormwater discharged, therefore:

- a. All site designs requiring a stormwater management plan or as otherwise required by the City of Mount Pleasant shall control the peak flow rates of stormwater discharge associated with design storms specified in 18-704(1) of this ordinance and reduce the generation of post construction (or permanent) stormwater runoff to pre-development levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to attenuate stormwater quantity.
- b. Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the Mount Pleasant LDP-Application Packet
- c. Stormwater designs shall consider the pre-developed flow conditions (i.e. sheet flow, concentrated flow) and attempt to mimic these flow conditions in the post-developed condition to avoid adverse downstream impacts.
- d. The calculations methods required for determining peak flows as found in the Mount Pleasant LDP-Application Packet shall be used for sizing all stormwater facilities. Other hydrological methods of determining peak runoff may be substituted; however, they will be subject to the City of Mount Pleasant's engineering consultant's review for appropriateness.
- e. The maximum distance that a roof downspout may extend perpendicularly from a structure is ten (10) feet. Up to three separate roof downspouts may be collected into a single collector pipe to be discharged the maximum perpendicular distance of ten (10) feet from the structure. A maximum ten (10) feet of roof drainage piping may be buried before the pipe outlets. Alternatively, a plan prepared by a Tennessee registered professional engineer or landscape architect that does not meet the requirements of this section but otherwise complies with the requirements of a LDP may be accepted subject to the City of Mount Pleasant's engineering consultant's review for appropriateness.

- f. Exception to the minimum volume control requirements: If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Mount Pleasant may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

6. Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the City of Mount Pleasant to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The permanent stormwater management plan must be prepared by a professional engineer or landscape architect registered in the State of Tennessee.

7. Long-Term Maintenance and repair plan requirements. The design and planning of all permanent stormwater management facilities shall include detailed inspection and maintenance procedures to ensure the performance standards of this ordinance. These plans will identify the parts or components of a stormwater management facility and/or SCM(s) that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

18-705. Permanent Stormwater Control Measure (SCM): Operation, Maintenance and Inspection

1. As built (Record) Drawings. All LDP permittees are required to submit as-built drawings for any SCMs and/or stormwater management facilities located on-site within 90 days after final construction of the SCMs has been completed. The drawing(s) must show the final design specifications for all stormwater management facilities and/or SCMs and must be sealed by a Tennessee registered professional engineer, landscape architect or land surveyor. The drawing(s) shall include at the minimum the following:

- i. Location map of SCM(s) within project site;
- ii. An engineer's certification letter certifying that the as-built conditions conform to the approved design plans and specifications;
- iii. Description of any variations from the approved design plans and specifications, if any;
- iv. A brief description of the type of SCM(s) and basic design characteristics;
- v. As-built design parameters including but not limited to invert elevations, outlet structure elevations, subbase layer depths, etc.;
- vi. The property owner contact information;
- vii. Inspection schedule(s);
- viii. A brief description of or reference to maintenance procedures and frequency; and
- ix. Photographs of the installed SCM(s).
- x. A final inspection by the City of Mount Pleasant is required before occupation permits will be granted. Occupation permits shall not be granted until corrections to all SCMs have been made and accepted by the City of Mount Pleasant.
- xi. In addition to the certified as built drawings, the City shall be provided with a Long Term Maintenance Plan (LTMP) for the site and all stormwater management facilities (e.g., SCM's). Occupation permits shall not be granted until the LTMP has been approved and accepted by the City.

2. SCM Inspection Requirements.

- i. Routine inspection of all SCMs and/or stormwater management facilities shall be performed by the property owner or qualified professional on a minimum

annual basis or as specified in the Long-Term Maintenance Plan (LTMP).

- ii. Inspection records shall be submitted annually to the City by July 1st.

3. Records of installation and maintenance activities. Property owners responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

4. Failure to meet or maintain design or maintenance standards. If a LDP permittee or property owner fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the LDP permittee or property owner shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City may take necessary corrective action. The cost of any action by the City under this section shall be charged to the property owner.

18-706. Permanent Stormwater Control Measure (SCM): Existing Locations, and Ongoing Developments

1. On-site stormwater management facilities inspection and maintenance agreement

- a. Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.
- b. The maintenance agreement shall:
 - i. Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation. The owner(s) covenant and agree with the City that they shall provide for adequate long-term maintenance and continuation of stormwater control measures to ensure that all of the stormwater facilities are and remain in proper working condition in accordance with approved design standards, rules and regulations, and applicable laws.

The owner(s) shall submit to the City an annual report by July 1st of each year. The report shall include the long-term maintenance plan (LTMP) that documents inspection schedules, time of inspections, remedial actions taken to repair, modify or re-construct the system and the state of control measures.

- ii. Provide that the minimum maintenance and repair needs include but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional

maintenance and repair needed to meet the intended design specification of the stormwater facility.

- iii. Provide that if the property is not maintained or repaired within the prescribed schedule, the City shall perform the maintenance and repair at its expense and bill the same to the property owner. The maintenance agreement shall also provide that the City's cost of performing the maintenance shall be a lien against the property.

2. Existing problem locations – no maintenance agreement.

- a. The City shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing SCM's that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit discharges.
- b. Inspection of existing facilities. The City may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other SCM's.

3. Requirements for all existing locations and ongoing developments. The following requirements shall apply to all locations and developments at which land disturbing activities have occurred previous to the enactment of this ordinance:

- a. Denuded areas must be vegetated or covered under the standards and guidelines specified in the City's BMP Manual for temporary purposes and on a schedule acceptable to the City.
- b. Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- c. Drainage ways shall be appropriately stabilized.
- d. Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- e. Stormwater runoff shall, at the discretion of the City, be treated to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:
 - i. Ponds
 - a) Detention pond
 - b) Extended detention pond
 - c) Wet pond
 - d) Alternative storage measures
 - ii. Constructed wetlands
 - iii. Infiltration systems
 - a) Infiltration/percolation trench
 - b) Infiltration basin
 - c) Drainage/recharge well
 - d) Porous pavement

- iv. Filtering systems
 - a) Media Filter
 - b) Sand filter
 - c) Filter/absorption bed
 - d) Filter and buffer strips
- iv. Open channel
 - a) Swale

4. Corrections of problems subject to appeal. Corrective measures imposed by the City under this section are subject to appeal under section 18-710 of this ordinance.

18-707. Illicit Discharges

1. Scope. This section shall apply to all water generated on developed or undeveloped land entering the City’s separate storm sewer system.

2. Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. No person shall allow discharges that flow from a stormwater facility that is not inspected in accordance with section 18-705. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- a. Water line flushing or other potable water sources
- b. Landscape irrigation or lawn watering with potable water
- c. Diverted stream flows
- d. Rising ground waters
- e. Uncontaminated ground water infiltration (Infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
- f. Uncontaminated pumped ground water
- g. Discharges from potable water sources
- h. Air conditioning condensation
- i. Irrigation water
- j. Springs
- k. Water from crawl space pumps
- j. Footing (foundation)drains
- m. Individual residential car washing
- n. Natural riparian habitat and wetlands flows
- o. Dechlorinated swimming pool discharges (desalinated for salt water pools)
- p. Street wash water with no soaps or solvents
- q. Discharges or flows from firefighting activities

Unless the City determines they are significant contributors of pollutants to the MS4.

3. Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

4. Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person’s expense, the BMP’s necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit

authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing SCM's that have not been maintained and/or inspected in accordance with this ordinance shall be prohibited.

5. Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

6. No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the City. Such illegal activity exposes runoff to contamination, generating an illicit discharge. Therefore, any individual or corporation guilty of illegal dumping may have committed a violation of this ordinance.

7. Priority areas. The administrator is authorized to regulate priority areas. Upon written notification by the administrator, the property owner or designated facility manager of a priority area shall, at their expense, implement necessary controls and/or best management practices to prevent discharge of contaminated stormwater to the municipal separate storm sewer system. The administrator may require the facility to maintain inspection logs or other records to document compliance with this paragraph.

18-708. Enforcement

1. Enforcement authority. The City shall have the authority to issue notices of violation and citations, and to impose civil penalties to anyone that violates this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City, the City's enforcement authority includes:

- a. Verbal Warnings – At a minimum, verbal warnings must specify the nature of the violation and required corrective action.
- b. Written Notices – Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.
- c. Citations with Administrative Penalties – The City has the authority to assess monetary penalties, which may include civil and administrative penalties.
- d. Stop Work Orders – Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.
- e. Withholding of Plan Approvals or Other Authorizations – Where a facility is in noncompliance, the City's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.
- f. Additional Measures – The City may also use other escalated measures provided under local legal authorities. The City may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate

manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

- g. TDEC Notification - If, in addition to the City's permit, a TDEC permit was required but was not obtained, the violator will also be reported to TDEC.

2. Notification of violation:

- a. Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.
- b. Written notice. Whenever the City finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the City may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- c. Consent orders. The City is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.
- d. Show cause hearing. The City may order any person who violates this ordinance or permit, or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
- e. Compliance order. When the City finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- f. Cease and desist and stop work orders. When the City finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the City may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:
 - i. Comply forthwith; or
 - ii. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting operations except for terminating the discharge and installing appropriate control measures.
- g. Suspension, revocation or modification of permit. The City may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the City. A suspended, revoked or modified permit may be reinstated after the applicant or other

responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the City may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

- h. Conflicting standards. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual(s) adopted by the City under this ordinance, the strictest standard shall prevail.

18-709. Penalties

1. Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City, shall be guilty of a civil offense.

2. Penalties. Under the authority provided in Tennessee Code Annotated § 68-221-1106, the City declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

3. Measuring civil penalties. In assessing a civil penalty, the City shall consider:

- a. The harm done to the public health or the environment;
- b. The duration and gravity of the violation(s);
- c. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- d. The economic benefit gained by the violator;
- e. The amount of effort put forth by the violator to remedy this violation;
- f. Whether the violation(s) was committed intentionally;
- g. The prior record of the violator in complying or failing to comply with the stormwater management program;
- h. Any unusual or extraordinary enforcement costs incurred by the City; The amount of penalty established by ordinance or resolution for specific categories of violations; and
- i. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

4. Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the City may recover:

- a. All damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
- b. The costs of the City's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.

5. Other remedies. The City may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

6. Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

18-710. Appeals

Pursuant to Tennessee Code Annotated § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the City’s governing body.

1. Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

2. Public hearing. Upon receipt of an appeal, the City’s governing body, or other appeals board established by the City’s governing body shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days’ notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the City shall be final.

3. Appealing decisions of the City’s governing body. Any alleged violator may appeal a decision of the City’s governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 5.

Section 2. 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 3. This Ordinance shall take effect upon final passage.

Approved and adopted this _____ day of _____, 2026.

WILLIAM F. WHITE, JR., MAYOR

ATTEST:

SHIPRAH COX, RECORDER

LEGAL FORM APPROVED:

KORI BLEDSOE JONES, ATTORNEY

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____