

CHAPTER 7

STORMWATER RUNOFF REGULATION AND CONTROL

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DIVISION 1. GENERAL PURPOSE AND GENERAL REQUIREMENTS.

18-701. Purpose. The purpose of this chapter is to diminish threats to the public health and safety caused by the runoff of excess stormwater, to minimize movement of soils resulting from development, to reduce the possibilities of hydraulic overloading of the storm sewer system, to reduce economic losses to individuals and the community at large as a result of erosion and the runoff of excess stormwater, and to protect and conserve land and water resources, while at the same time ensuring orderly development. The provisions

of this chapter are specifically intended to supplement existing ordinances regulating the following:

- (1) The subdivision, layout, and improvement of lands located within the Town of Signal Mountain.
- (2) The excavating, filling, and grading of lots and other parcels or areas.
- (3) The construction of buildings, including related parking and other paved areas, and the drainage of the sites on which structures and their related parking and other paved areas are located.
- (4) The design, construction, and maintenance of erosion control and stormwater drainage facilities and systems. (as added by Ord. #2001-6, Dec. 2001)

18-702. Definitions. For the purpose of this chapter, the following definitions are adopted:

- (1) "Base flood elevation." The elevation delineating the flood level having as one-percent probability of being equaled or exceeded in any given year (also known as the 100-year flood elevation), as determined from Flood Insurance Rate Maps (FIRMS) or the best available information.
- (2) "Best management practices" or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of stormwater runoff. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. This definition shall be referred to in this chapter by its abbreviation "BMP."
- (3) "Channel." A natural or man-made open watercourse with definite bed and banks which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.
- (4) "Conduit." Any channel, pipe, sewer, or culvert used for the conveyance of movement of water, whether open or closed.
- (5) "Control elevation." Contour lines and points of predetermined elevation used to denote a detention storage area on a plat or site drawing.
- (6) "Design standards for public improvements." Standards on file in the town's offices to which all designs and the resulting public improvements, must conform.
- (7) "Detention facility." A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to concurrently detain the excess waters that accumulated behind the outlet.
- (8) "Detention storage." The temporary detaining or storage of stormwater in storage basins, on rooftops, in streets, parking lots, school yards, parks, open space, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

(9) "Discharge." The rate of outflow of water from any source.

(10) "Drainage area." The area from which water is carried off by a drainage system, i.e., a watershed or catchment area.

(11) "Excess stormwater runoff." The rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that volume and rate which represented or represents the runoff from the property prior to the date of this chapter.

(12) "Floodplains." The special flood hazard lands adjoining a watercourse, the surface elevation of which is lower than the base flood elevation and is subject to periodic inundation.

(13) "Hydrograph." A graph showing, for a given point on a stream or conduit, the runoff flow rate with respect to time.

(14) "Land disturbance." Any man-made change to improve or unimprove real estate including but not limited to building structures, filling, grading, excavation, clearing, or removal of vegetation.

(15) "National pollution discharge elimination system" or NPDES permit means a permit issued pursuant to 33 U.S.C. § 1342. This definition shall be referred to in this chapter by its abbreviation "NPDES."

(16) "Nonpotable water." Water not safe for drinking or personal or culinary utilization.

(17) "Notice of intent" or "NOI" means a written notice by a discharger to the Commissioner of the Tennessee Department of Environment and Conservation, or his designee, that the person wishes his discharge to be authorized under a general permit authorized by state law or regulation, particularly Rule 1200-04-10-.04 or Rule 1200-4-10-.05, Rules and Regulations of the State of Tennessee. This definition shall be referred to in this chapter by its abbreviation "NOI."

(18) "One-hundred-year storm." A precipitation event of 24 hours' duration, having a one-percent chance of occurring in any one year.

(19) "Peak flow." The maximum rate of flow of stormwater at a given point in a channel or conduit resulting from a predetermined storm or flood.

(20) "Stormwater drainage facility." Any element in a stormwater drainage system which is made or improved by man.

(21) "Stormwater drainage system." All means, natural or man-made, used for conducting stormwater to, through, or from a drainage area to the point of final outlet including, but not limited to, any of the following: open and closed conduits and appurtenant features, canals, channels, ditches, streams, swales, culverts, streets, and pumping stations.

(22) "Stormwater management board" means the Signal Mountain Town Council.

(23) "Stormwater operating board" is a committee that includes a minimum of the following:

Town manager

Town recorder

Town engineer
Director of public utilities
Designated police department representative
Designated fire department representative
Building official
Citizen representative

(24) "Stormwater runoff." The waters derived from precipitation within a tributary drainage area flowing over the surface of the ground or collected in channels or conduits.

(25) "Time of concentration." The elapsed time for stormwater to flow from the most distant point in a drainage area to the outlet or other predetermined point.

(26) "Town engineer." The person formally designated by the Town of Signal Mountain as the town engineer.

(27) "Two-year storm." A precipitation event having a fifty percent chance of occurring in any one year.

(28) "Two-year storm runoff." The stormwater runoff having a fifty percent probability of occurring in any one year.

(29) "Unprotected channel." A channel which receives stormwater discharge and which is not paved, rip-rapped, or otherwise improved by addition of man-made materials so as to reduce the potential for erosion.

(30) "Upland areas." Any land whose surface drainage flows toward the area being considered for development.

(31) "Urbanization." The development, change, or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational, or public utility purposes.

(32) "Waterbody." Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernable shoreline.

(33) "Watercourse." Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale, or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, or banks.

(34) "Wet bottom detention basin." A basin designed to retain a permanent pool of stormwater after having provided its planned detention of runoff during a storm event. (as added by Ord. #2001-6, Dec. 2001, replaced by Ord. #2003-7, Nov. 2003, and amended by Ord. #2004-4, June 2004)

18-703. Permit. Before initiating any activity regulated by this chapter, an applicant shall be required to obtain a permit from the town which indicated that the requirements of this chapter 7 have been met.

Permit fees shall be:

0 - 2.0 Acres =	\$25.00
2.1 - 4.9 Acres =	50.00
5.0 - Greater Acres =	100.00

Exception: Residential building additions less than 25% of total building square footage do not require a fee. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2003-7, Nov. 2003)

18-704. Other requirements. In addition to meeting the requirements of § 18-703 and the more specific requirements of §§ 18-710--18-730 of this chapter 7 and before starting any activity regulated by this chapter, an applicant shall comply with the requirements set forth in all other related ordinances and state statutes and regulations. (as added by Ord. #2001-6, Dec. 2001)

18-705. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the municipality'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. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as indicated as follows:

- (a) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water source;
 - (ii) Landscape irrigation or lawn watering with potable water;
 - (iii) Diverted stream flows;
 - (iv) Rising groundwater;
 - (v) Groundwater infiltration to storm drains;
 - (vi) Pumped groundwater;
 - (vii) Foundation or footing drains;
 - (viii) Crawl space pumps;
 - (ix) Air conditioning condensation;
 - (x) Springs;
 - (xi) Non-commercial washing of vehicles;
 - (xii) Natural riparian habitat or wet-land flows;
 - (xiii) Swimming pools (if dechlorinated – typically less than one ppm chlorine)
 - (xiv) Firefighting activities; and
 - (xv) Any other uncontaminated water source.

(b) Discharges specified in writing by the stormwater operating board as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the stormwater operating board has so specified in writing.

(3) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.

(a) Sewage or other waste from a plumbing system that is deleterious to surface water shall not be discharged into the ground or into any waterway unless it has been rendered innocuous through subjection to an approved form of treatment. An example would be the discharge of washing machine water into a drainage ditch or stormwater sewer.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless or whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) 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 stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

(a) In the event of such release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

(b) In the event of a release of non-hazardous materials, the person shall notify the director of the stormwater operating board in person or by telephone facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the stormwater operating board 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 on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 7 years. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2003-7, Nov. 2003)

18-706- - 18-709. Reserved. (as added by Ord. #2001-6, Dec. 2001)

DIVISION II. SPECIFIC REQUIREMENTS.

18-710. General. Design criteria shall be as stated in the latest edition of the Town of Signal Mountain Stormwater Management Manual which is hereby incorporated herein by reference. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2003-7, Nov. 2003)

18-711-18-721. Deleted. (as added by Ord. #2001-6, Dec. 2001, and deleted by Ord. #2003-7, Nov. 2003)

18-722. Land disturbance of one acre or more. The developer shall comply with the State of Tennessee General NPDES Permit for Stormwater Discharges Associated with Construction Activity and provide a copy to the town prior to starting construction. (as added by Ord. #2001-6, Dec. 2001)

18-723. Land disturbance of less than one acre. The developer shall submit to the Town of Signal Mountain a sediment and erosion control plan that meets the requirements of the State of Tennessee General NPDES Permit for Stormwater Discharges Associated with Construction Activity prior to starting construction. (as added by Ord. #2001-6, Dec. 2001)

18-724. All land disturbances. Land disturbances associated with any new construction, development, redevelopment, or land use change on any site of 2,500 square feet or larger or requiring a building permit shall incorporate into the development plan the following elements as minimum:

- Stone construction entrance;
- Silt fence or other sediment retaining device on the low side of the site;
- Temporary seeding of disturbed areas remaining open more than three weeks;
- Removal of soil tracked into the public right-of-way; and
- Permanent seeded.

A copy of the development plan shall be submitted to the town prior to starting construction. Any sediment and erosion control plan shall meet the Town of Signal Mountain Stormwater Management Manual minimum requirements and shall be approved by Town of Signal Mountain prior to issuance of a land disturbing permit. If site plans or conditions change during land disturbance activities, a re-submittal of the sediment and erosion control plan will be required. If, after plan implementation, sediment and erosion control measures are ineffective and illicit discharges continue, the permittee shall take what actions are necessary to prevent the reoccurrence of such releases. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2003-7, Nov. 2003)

18-725. Engineering certification. Any plans submitted to the town for the purpose of obtaining a building permit shall provide a civil engineer's certification that appropriate measures have been taken to avoid the diversion of water flow and for adequate drainage without impairing neighboring properties. This provision shall apply only to those plans which cause a ten (10%) percent increase in impervious area, to be covered with construction or involve change in the grade of the lot upon which construction will be conducted. Exceptions:

- (1) Single-family residences separately built and not part of a new subdivision, including additions or modifications to existing single-family detached residential structures.

(2) Land development projects that disturb less than one acre of land area. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2003-7, Nov. 2003)

18-726. BMP's. This chapter adopts the best management practices, which contains the six (6) minimum compliance requirements and other items for obtaining a state stormwater permit. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2003-7, Nov. 2003)

18-727- - 18-730. Reserved. (as added by Ord. #2001-6, Dec. 2001)

DIVISION III. ADDITIONAL SUBDIVISION AND BUILDING
 IMPROVEMENT REGULATIONS.

18-731. Preliminary plats. Information indicating the manner in which the provisions of this chapter are to be met shall be indicated on all preliminary plats. (as added by Ord. #2001-6, Dec. 2001)

18-732. Requirements for construction plans. Information indicating the manner in which the provisions of this chapter are to be met shall be submitted with all construction plan submissions or any other plan for improvements which falls under the requirements of § 18-710. All computations, plans, and specifications shall be prepared and sealed by a professional engineer registered in the State of Tennessee. (as added by Ord. #2001-6, Dec. 2001)

18-733. Requirements for final plats. The easements or separate lots required for detention facilities shall be shown on the final plat. The control elevation for each detention facility shall be shown on the plat near the detention facility. A benchmark shall be established on site near the center of the detention facility, and be referenced to mean sea level. (as added by Ord. #2001-6, Dec. 2001)

18-734. Post-construction runoff controls. The management of stormwater runoff from sites after the construction phase is vital in controlling the impacts of development on urban water quality. All sediment and erosion control plans must include implementation of post-construction runoff controls as specified in the Town of Signal Mountain Stormwater Management Manual.

(1) As-built plans. All applicants are required to submit actual as-built plans after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee for land development projects greater than one acre. A final inspection by the Town of Signal Mountain is required before any performance security or performance bond will be released. The Town of Signal Mountain shall have the discretion

to adopt provisions for a partial pro-rate release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMP's have been made and accepted by the Town of Signal Mountain. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2003-7, Nov. 2003)

18-735-18-738. Deleted. (as added by Ord. #2001-6, Dec. 2001, and deleted by Ord. #2003-7, Nov. 2003)

18-739. Reserved. (as added by Ord. #2001-6, Dec. 2001)

DIVISION IV. ADMINISTRATION.

18-740. Responsibility. The administration of this chapter shall be the responsibility of the Town of Signal Mountain. (as added by Ord. #2001-6, Dec. 2001)

18-741. Interpretation. In the interpretation and application of this chapter the provisions expressed herein shall be held to be the minimum requirements and shall be liberally construed in favor of the Town of Signal Mountain. (as added by Ord. #2001-6, Dec. 2001)

18-742. Appeals. (1) Any person found in violation of chapter 7 may appeal such action to the stormwater appeals board.

This board consists of a minimum of the following:

- Town manager
- Town recorder
- Town engineer
- Director of public utilities
- Designated police department representative
- Designated fire department representative
- Building official
- Citizen representative

After hearing all the facts, the appeals board will issue a decision at the time of the hearing.

(2) The Town of Signal Mountain Town Council is hereby designated as the final appeals board for disputes arising from the application of this chapter provided the stormwater appeals board cannot resolve the dispute. The town council shall be available to hear appeals where it is alleged by an appellant that there is an error in any order, requirement, decision, grant or refusal made by the town in the enforcement of the provisions of this chapter. (as added by Ord. #2001-6, Dec. 2001, replaced by Ord. #2003-7, Nov. 2003, and amended by Ord. #2004-4, June 2004)

18-743. Penalties for violation. (1) General. Any person, firm, organization, association, or corporation violating any of the provisions of this chapter 7, including violation of any variances granted under the authority of this chapter 7, shall be deemed guilty of a violation of a municipal ordinance and each such person or other entity shall be deemed guilty of a separate offense for each and every day or portion thereof that any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of such violation, such person or other entity may be punished by a fine of not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars if authorized by law when assessed.

(2) Additional corrective actions. Any building or structure constructed in violation of the provisions of this chapter 7 or any use carried on in violation of this chapter 7 is hereby declared to be a nuisance per se, with any court of competent jurisdiction having the authority to determine that the owner or developer is guilty of maintaining a nuisance per se and to order such nuisance abated. In this connection, the town is hereby authorized to institute any appropriate action such as a stop work order or proceeding in any appropriate court to prevent, restrain, correct, or abate any violations of this chapter 7.

(3) The provisions of this chapter are in addition to and not in restriction of limitations or rights that the citizens of the Town of Signal Mountain may have under the common laws of the State of Tennessee.

(4) Any person responsible for a property or premises, which is, or may be, violating any provision of this chapter 7 shall allow right-of-entry on private property by the director of the stormwater operating board or his designees and 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 to the extent practicable, shall be deemed compliant with the provisions of this section.

(5) Any person violating any of the provisions of this chapter upon recommendations by the building official or stormwater operating board will be issued a citation. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2003-7, Nov. 2003)

CHAPTER 8

STORMWATER UTILITY ORDINANCE¹

SECTION

- 18-801. Legislative findings and policy.
- 18-802. Creation of stormwater board and utility.
- 18-803. Definitions.
- 18-804. Funding of stormwater utility.
- 18-805. Stormwater fund.
- 18-806. Operating budget.
- 18-807. Stormwater user's fee established.
- 18-808. Rate.
- 18-809. Adjustment to stormwater user's fees.
- 18-810. Property owners to pay charges.
- 18-811. Billing procedure and penalties for late payment.
- 18-812. Appeals of fees.

18-801. Legislative findings and policy. The town council 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 town 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. (as added by Ord. #2002-4, Aug. 2002)

18-802. Creation of stormwater board and utility. For those purposes of the Federal Clean Water Act and of Tennessee Code Annotated, § 68-221-1011, et seq., there is created a stormwater utility which shall consist of a stormwater operating board.

The stormwater operating board, under the legislative policy created by the stormwater management board, shall:

- (1) Administer the acquisition, design, construction, maintenance and operation of the stormwater utility system, including capital improvements designated in the capital improvement program;

¹Appendix A "Calculating Stormwater User Fees" and Appendix B to Ord. #2002-4 are of record in the recorder's office.

(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 the velocity of the stormwater conveyed thereby;

(3) Advise the town council and other town departments on matters relating to the utility;

(4) Prepare and revise a comprehensive drainage plan for adoption by the town council;

(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, civil penalties and other revenues of the utility. (as added by Ord. #2002-4, Aug. 2002, and replaced by Ord. #2003-8, Nov. 2003)

18-803. 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) "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;

(2) "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.

(3) "Exempt property" means all properties of the federal, state, county, and Town of Signal Mountain governments, and any of their divisions or subdivisions, and property that does not discharge stormwater runoff into the stormwater or flood control facilities of the municipality.

(4) "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 town. The

stormwater user's fee is in addition to any other fee that the municipality has the right to charge under any other rule or regulation of the municipality.

(5) "Fiscal year" means July 1 of a calendar year to June 30 of the next calendar year, both inclusive.

(6) "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 walls, foundations, columns or other means of support or enclosure.

(7) "Impervious surface" means a surface area 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, compacted, or any other surface which impedes the natural infiltration of surface water.

(8) "Other developed property" means developed property other than single-family residential property. Such property shall include, but not be limited to, commercial properties, industrial properties, parking lots, hospitals, schools, recreational and cultural facilities, hotels, officers, and churches.

(9) "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.

(10) "Property owner" means the property owner of record as listed in the county's assessment roll. A property owner includes any individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.

(11) "Single family residential property" means a developed property which serves the primary purpose of providing a permanent dwelling 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.

(12) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration (other than infiltration contaminated by seepage from sanitary sewers or by other discharges) and drainage.

(13) "Stormwater management fund" or "fund" means the fund created by this ordinance to operate, maintain, and improve the town's stormwater system.

(14) "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.

(15) "Stormwater management board" means the Signal Mountain Town Council.

(16) "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, and reservoirs.

(17) "User" shall mean the owner of record of property subject to the stormwater user's fee imposed by this ordinance.

(18) "Stormwater appeals board" is the board established by Town of Signal Mountain Ord. #2001-6.¹

(19) "Stormwater operating board" is a committee that includes a minimum of the following:

Town manager

Town recorder

Town engineer

Director of public utilities

Designated police department representative

Designated fire department representative

Citizen representative (as added by Ord. #2002-4, Aug. 2002, and amended by Ord. #2003-8, Nov. 2003, and Ord. #2004-4, June 2004)

18-804. 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 imposed for the violation of the town's stormwater management ordinance.

(3) Stormwater permit and inspection fees.

(4) Other funds or income obtained from federal, state, local, and private grants, or revolving funds, and from the Local Grant Public Obligations Act of 1986 (Tennessee Code Annotated, Title 9, Chapter 2).

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 town funds as may be determined by the town council. (as added by Ord. #2002-4, Aug. 2002)

18-805. Stormwater fund. All revenues generated by or on behalf of the stormwater utility, including stormwater user's fees, civil penalties for the violation of the town's stormwater management ordinance, permit and inspection fees, and interest earnings on those revenues, shall be deposited in a stormwater utility fund and used exclusively for the stormwater utility. (as added by Ord. #2002-4, Aug. 2002)

18-806. Operating budget. The town council shall adopt 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. (as added by Ord. #2002-4, Aug. 2002)

¹Title 18, chapter 7 of this municipal code was added by Ord. #2001-6.

18-807. Stormwater user's fees established. There shall be imposed on each and every developed property in the town, except exempt property, a stormwater user's fee, which shall be set from time to time by ordinance or resolution, and in the manner and amount prescribed by this ordinance.

Prior to establishing or amending user's fees, the town shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the town at least thirty (30) days in advance of the meeting of the stormwater management board which shall consider the adoption of the fee or its amendment. (as added by Ord. #2002-4, Aug. 2002)

18-808. Rate. The stormwater management board shall, by ordinance or resolution, establish the rate for the stormwater user's fee. The rate shall be calculated to insure 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. (as added by Ord. #2002-4, Aug. 2002)

18-809. Adjustment to stormwater user's fee. The stormwater utility shall have the right on its own initiative to adjust upward or downward the stormwater user's fees with respect to any property, based on any significant variation in the volume or rate of stormwater, or any significant variation in the quality of stormwater, emanating from the property, compared to other similar properties. In making determinations of the similarity of property, the stormwater utility shall take into consideration the location, geography, size, use, impervious area, stormwater facilities on the property, and any other factors that have a bearing on the variation. The stormwater utility shall make upward or downward adjustments in the stormwater user's fees, based on the approximate percentage of the variance of volume or rate of stormwater, or variance in the quality of stormwater, emanating from the property, compared to other similar properties. (as added by Ord. #2002-4, Aug. 2002)

18-810. Property owners to pay charges. The owner of each lot or parcel which directly or indirectly uses the stormwater system maintained by the town shall pay the stormwater user's fees and charges as provided in this ordinance. (as added by Ord. #2002-4, Aug. 2002)

18-811. Billing procedure and penalties for late payment. (1) The stormwater user's fee shall become effective at the rates set by a separate ordinance or resolution, shall be billed annually.

(2) The stormwater charge shall be paid in person or by mail at the town hall and shall become delinquent on March 1, of each year following the effective date of this ordinance, after which the unpaid taxes shall bear interest at the same rate as any unpaid property taxes of the town.

(3) Penalties for late payment. Stormwater user fees shall be subject to the same penalties as delinquent property taxes. The town shall be entitled to recover attorney's fees incurred in collecting delinquent stormwater fees. Any charge due under this ordinance which shall not be paid may be recovered at law by the town.

(4) Pursuant to Tennessee Code Annotated, § 68-221-1112, each bill that shall contain stormwater charge shall contain the following statement in bold:

THIS TAX HAS BEEN MANDATED BY CONGRESS

(as added by Ord. #2002-4, Aug. 2002, and replaced by Ord. #2003-8, Nov. 2003)

18-812. Appeals of fees. (1) Generally. Any person who disagrees with the calculation of the stormwater user's fee, as provided in this ordinance, or who seeks a stormwater user's fee adjustment based upon stormwater management practices, may appeal such fee determination to the stormwater appeals board within thirty (30) days from the date of the last bill containing stormwater user's fee charges. Any appeal shall be filed in writing and shall state the grounds for the appeal. The stormwater appeals board chairman may request additional information from the appealing party.

(2) Upward or downward adjustments based on stormwater volume, rate or quality. Stormwater user's fee adjustments for stormwater management practices may be considered for reductions in stormwater release rates and provision of additional storage volume; improvements in stormwater quality; reductions in runoff volume including discharging to a non-town drainage system; and properly designed constructed and maintained existing detention facilities. Based upon the information provided by the utility and the appealing party, the stormwater utility shall make a final calculation of the stormwater drainage fee. The stormwater utility shall notify the parties, in writing, of its decision. (as added by Ord. #2002-4, Aug. 2002)