

ORDINANCE NO. 2003-7

AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE BY AMENDING TITLE 18, CHAPTER 7, ENTITLED STORMWATER RUNOFF REGULATION AND CONTROL BY INSERTING NEW DEFINITIONS AND DELETING CERTAIN SECTIONS TO BE PLACED IN THE STORMWATER MANAGEMENT MANUAL.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, as follows:

SECTION 1. That, Title 18, Section 18-702 is hereby amended by deleting said section in its entirety and substituting the following in lieu thereof:

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 Ordinance 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 Change 8, March 10, 2003 18-61 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 Ordinance 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 Ordinance 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
 - Director of Public Safety
 - 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.

SECTION 2. That Section 18-703 is deleted in its entirety and the following language is substituted in lieu thereof:

SECTION 18-703. Permit. Before initiating any activity regulated by this ordinance, 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.

SECTION 3. That Section 18-705 is deleted in its entirety and the following language is substituted in lieu thereof:

SECTION 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:
 - (1) Water line flushing or other potable water source;
 - (2) Landscape irrigation or lawn watering with potable water;
 - (3) Diverted stream flows;
 - (4) Rising groundwater;
 - (5) Groundwater infiltration to storm drains;
 - (6) Pumped groundwater;
 - (7) Foundation or footing drains;
 - (8) Crawl space pumps;
 - (9) Air conditioning condensation;
 - (10) Springs;
 - (11) Non-commercial washing of vehicles;
 - (12) Natural riparian habitat or wet-land flows;
 - (13) Swimming pools (if dechlorinated – typically less than one ppm chlorine)
 - (14) Firefighting activities; and
 - (15) 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 waters 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 of 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 an 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.

SECTION 4. That Section 18-710 is deleted in its entirety and the following language is substituted in lieu thereof:

SECTION 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.

SECTION 5. That Sections 18-711 through 18-721 are deleted in their entirety.

SECTION 6. That Sections 18-724, 18-725 and 18-726 are deleted in their entirety and the following new Sections 18-724, 18-725 and 18-726 are substituted in lieu thereof:

SECTION 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.

SECTION 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 changes 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.

SECTION 18-726. BMP's. This Ordinance adopts the best management practices, which contains the six (6) minimum compliance requirements and other items for obtaining a State stormwater permit.

SECTION 7. That, Sections 18-734 through 18-738 are deleted in their entirety. A

new Section 18-734 is substituted as follows:

SECTION 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.

SECTION 8. That Sections 18-742 and 18-743 are deleted in their entirety and the

following language is substituted in lieu thereof:

SECTION 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
Director of Public Safety
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 Ordinance 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 Ordinance.

SECTION 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.

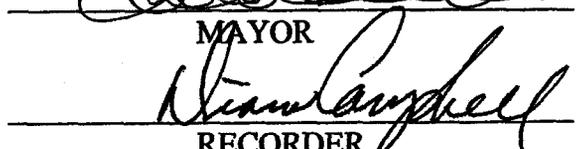
3. The provisions of this ordinance are in addition to and not in restriction of limitations or rights that the citizens of the Town of Signal Mountain may have under the common laws of the State of Tennessee.
4. Any person responsible for a property or premises, which is, or may be, violating any provision 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.

SECTION 9. That this Ordinance shall become effective two (2) weeks from and after its passage as provided by law.

Passed First Reading October 13, 2003.

Passed Second Reading November 10, 2003.



 MAYOR


 RECORDER

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