

Part C STORMWATER ORDINANCE¹

Sec. 1. General provisions.

- (1) *Purpose.* It is the purpose of this ordinance to:
- (a) Protect, maintain, and enhance the environment of the City of Mt. Juliet and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the cities 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) Enable the City of Mt. Juliet to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122.26 for stormwater discharges.
 - (c) Allow the City of Mt. Juliet to exercise the powers granted in Tennessee Code Annotated § 68-221-1105, which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance or resolution to:
 - (1) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the ~~municipality~~; **City of Mt. Juliet**;
 - (2) 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;
 - (3) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
 - (4) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;
 - (5) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;
 - (6) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

¹Editor's note(s)—Printed herein is the Stormwater Ordinance for the City of Mt. Juliet, Ord. No. 2013-81, adopted Nov. 25, 2013. The stormwater ordinance was formerly codified in Ch. 22 of the Code of Ordinances, and derived from Code 1997, §§ 14-1-101, 14-1-102, 14-2-101, 14-3-101—14-3-108, 14-4-101—14-4-105, 14-5-101—14-5-105, 14-6-101—14-6-104, 14-7-101—14-7-104, 14-8-101—14-8-105, 14-9-101—14-9-103, 14-10-101—14-10-106, 14-11-101—14-11-104, Title 14, § 11; Ord. No. 2004-36, § 1, adopted Aug. 23, 2004; and Ord. No. 2005-03, § 2, adopted January 24, 2005. Obvious misspellings and punctuation errors have been corrected without notation. The style used for headings and catchlines has been made uniform. Capitalization and expression of numbers have been made consistent throughout the Land Development Code. Additions made for clarity are indicated by brackets.

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- (7) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
 - (8) 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 of Mt. Juliet Stormwater Department shall administer the provisions of this ordinance.

(Ord. No. 2013-81, § 1, 11-25-2013)

Sec. 2. Definitions.

For the purpose of this chapter, 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) *As built plans:* Drawings depicting conditions as they were actually constructed.
- (2) ~~*Best management practices or BMP:* Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Mt. Juliet, and that have been incorporated by reference into this ordinance as if fully set out therein.~~
- (3) ~~*Buffer:* A stream buffer is a non-structural low impact development control in areas along a stream or wetland where disturbance is restricted or prohibited.~~
- (4) *Channel:* A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
- (5) ~~*Community water:* Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Mt. Juliet, TN.~~
- (6) ~~*Construction general permit (CGP):* Permit issued by State of Tennessee regulating stormwater discharge from construction sites.~~
- (7) ~~*Contaminant:* Any physical, chemical, biological, or radiological substance or matter in water.~~
- (8) ~~*Design storm event:* A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.~~
- (9) ~~*Discharge:* Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.~~
- (10) ~~*Easement:* An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.~~
- (11) ~~*Erosion:* The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by naturally occurring or land disturbance activities or effects.~~
- (12) *SWPPP:* A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

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- (13) **Hot spot:** An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
- (14) ~~**Illicit connections:** Illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.~~
- (15) ~~**Illicit discharge:** Any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under section 3, paragraph 3, Exemptions.~~
- (16) **Land disturbing activity:** Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
- (17) ~~**Maintenance:** Any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.~~
- (18) ~~**Maintenance agreement:** A document recorded in the land records that acts as a property deed restriction, and which provides for long term maintenance of stormwater management practices.~~
- (19) ~~**Municipal separate storm sewer system (MS4):** The conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, manmade channels, and storm drains.~~
- (20) ~~**National Pollutant Discharge Elimination System permit or NPDES permit:** A permit issued pursuant to 33 U.S.C. 1342.~~
- (21) ~~**Off site facility:** A structural BMP located outside the subject property boundary described in the permit application for land development activity.~~
- (22) ~~**On site facility:** A structural BMP located within the subject property boundary described in the permit application for land development activity.~~
- (23) ~~**Peak flow:** The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.~~
- (24) ~~**Person:** 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.~~
- (25) ~~**Priority area — Hot spots:** as defined in section 2, paragraph 11, Hot spots.~~
- (26) ~~**Runoff:** The portion of the precipitation on a drainage area that is discharged from the area onto adjacent property or municipal separate storm sewer system.~~
- (27) **Sediment:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
- (28) **Sedimentation:** Soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.
- (29) ~~**Soils report:** A study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.~~

- (30) ~~Stabilization: Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.~~
- (31) **Stormwater:** Stormwater runoff, snow melt runoff, surface runoff, street washwaters related to street cleaning or maintenance, infiltration and drainage.
- (32) ~~Stormwater management: The programs to maintain quality and quantity of stormwater runoff to pre-development levels.~~
- (33) ~~Stormwater management facilities: The drainage structures, conduits, ditches, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.~~
- (34) ~~Stormwater management plan: The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMP, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.~~
- (35) ~~Stormwater runoff: The flow on the surface of the ground, resulting from precipitation.~~
- (36) **Stormwater utility:** The stormwater utility created by ordinance of the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the municipality.
- (37) **Structural-BMP:** Devices that are constructed to provide control of stormwater runoff.
- (38) ~~Surface water: 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.~~
- (39) ~~Watercourse: A permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.~~
- (40) ~~Watershed: The land area that contributes runoff to a particular point along a waterway.~~

(Ord. No. 2013-81, § 2, 11-25-2013)

Sec. 3. Land disturbance permits.

- (1) ~~When required:~~
 - (a) ~~Every person will be required to obtain a land disturbance permit from the Mt. Juliet Stormwater Department in the following cases:~~
 - (1) ~~Land disturbing activity disturbs one or more acres of land.~~
 - (2) ~~Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acre of land;~~
 - (3) ~~Land disturbing activity of less than one acre of land, if in the discretion of the City of Mt. Juliet Stormwater Department such activity poses a unique threat to water, or public health or safety;~~
 - (4) ~~The creation and use of borrow pits.~~
- (2) ~~Building permit: No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.~~
- (3) ~~Exemptions: The following activities are exempt from the permit requirement:~~
 - (a) ~~Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.~~

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- ~~(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.~~
- ~~(c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan approved by the appropriate federal or state agency and the City of Mt. Juliet Regional Planning Commission.~~
- ~~(4) Application for a land disturbance permit.~~
- ~~(a) Each application shall include the following:~~
- ~~(1) Name of applicant;~~
- ~~(2) Business or residence address of applicant;~~
- ~~(3) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;~~
- ~~(4) Address and legal description of subject property including the tax reference number and parcel number of the subject property;~~
- ~~(5) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan.~~
- ~~(6) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.~~
- ~~(7) Where the property includes a sinkhole, the area shall be managed in accordance with subsection 4-101.401 of the City of Mt. Juliet Subdivision Regulations and the City of Mt. Juliet policy on management of karst features in residential subdivision as adopted by Regional Planning Commission on October 15, 2009. If the applicant chooses to remediate the sinkhole, then the applicant shall obtain from the Tennessee Department of Environment and Conservation the required permits.~~
- ~~(8) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the City of Mt. Juliet Stormwater Department from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.~~
- ~~(b) Each application shall be accompanied by: A stormwater pollution prevention plan (SWPPP) as described in section 4, paragraph 5.~~
- ~~(c) A stormwater management plan as described in section 4, paragraph 4, providing for stormwater management during the land disturbing activity and after the activity has been completed.~~
- ~~(d) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, which shall be set by resolution or ordinance.~~
- ~~(5) Review and approval of application.~~
- ~~(a) The City of Mt. Juliet Stormwater Department will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 15 days after receiving an application, the City of Mt. Juliet Stormwater Department shall provide one of the following responses in writing:~~
- ~~(1) Approval of the permit application;~~
- ~~(2) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions.~~

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- (2) Denial of the permit application, indicating the reason(s) for the denial.
- (b) If the City of Mt. Juliet Stormwater Department has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City of Mt. Juliet Stormwater Department. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City of Mt. Juliet Stormwater Department.
- (c) No development plans will be released until the land disturbance permit has been approved.
- (6) *Permit duration.* Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within 90 calendar days of issuance, or is not complete within 12 months from the date of approval.
- (7) *Notice of construction.* The applicant must notify the City of Mt. Juliet Stormwater Department ten working days in advance of the commencement of construction. The applicant, along with the notice must request an appointment to hold a pre-construction meeting with the staff of the stormwater department. Regular inspections of the stormwater management system construction shall be conducted by the City of Mt. Juliet Stormwater Department. All inspections shall be documented and written reports prepared that contain the following information:
- (a) The date and location of the inspection;
 - (b) Whether construction is in compliance with the approved stormwater management plan;
 - (c) Variations from the approved construction specifications;
 - (d) Any violations that exist.
 - (e) Any assessment of penalties, warnings, or restriction imposed.
- (8) *Performance surety.*
- (a) The City of Mt. Juliet Stormwater Department may, at its discretion, require the submittal of a performance surety prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance surety shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance surety shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City of Mt. Juliet Stormwater Department. Alternatively the City of Mt. Juliet Stormwater Department shall have the right to calculate the cost of construction cost estimates.
 - (b) The performance surety shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Tennessee that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City of Mt. Juliet Stormwater Department will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance surety based on the completion of various development stages can be made at the discretion of the City of Mt. Juliet Stormwater Department.
- (Ord. No. 2013-81, § 3, 11-25-2013)
- Sec. 4. Stormwater system design and management standards.
- (1) *Stormwater design or BMP manual.*

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~~(a) Adoption. The municipality adopts as its stormwater design and best management practices (BMP) manual the latest revision of [the] following publications, which are incorporated by reference in this ordinance as is fully set out herein:~~

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~~(1) City of Mt. Juliet Stormwater Design Guidelines.~~

~~(2) TDEC Sediment and Erosion Control Manual.~~

~~(3) TDEC Manual for Post Construction.~~

~~(4) The City of Mt. Juliet Subdivision Regulation.~~

~~(b) This manual includes a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the governing body of the municipality, upon the recommendation of the City of Mt. Juliet Stormwater Department, based on improvements in engineering, science, monitory and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.~~

~~(2) General performance criteria for stormwater management. All sites within the City of Mt. Juliet shall be required to comply with the following performance requirements of this ordinance and the stormwater design guidelines for the City of Mt. Juliet unless site specific engineering determinations allow for reduced on-site requirements (i.e. the nature of the site development and/or the location of the site discharge with respect to local water bodies):~~

~~(a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP manual and reduce the generation of post construction stormwater runoff to pre construction 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 provide treatment for both water quality and quantity.~~

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~~(b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.~~

~~(c) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.~~

~~(d) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices.~~

~~(e) Prior to or during the site design process, applicants for land disturbance permits shall consult with the City of Mt. Juliet Stormwater Department to determine if they are subject to additional stormwater design requirements.~~

~~(f) The calculations for determining peak flows as found in the BMP manual shall be used for sizing all stormwater facilities.~~

~~(3) Minimum control requirements.~~

~~(a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the most current BMP manual unless the City of Mt. Juliet Stormwater Department has granted the applicant a full or partial waiver for a particular BMP under section 6.~~

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~~(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Mt. Juliet Stormwater Department may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.~~

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- (4) ~~Stormwater management plan requirements.~~ The stormwater management plan shall include sufficient information to allow the City of Mt. Juliet Stormwater Department 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. To accomplish this goal the stormwater management plan shall include the following:
- (a) ~~Topographic base map:~~ A one-inch equals 200-foot topographic base map of the site which extends a minimum of 300 feet beyond the limits of the proposed development and indicates:
- (1) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands, and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
 - (2) Current land use including all existing structures, locations of utilities, roads, and easements;
 - (3) All other existing significant natural and artificial features;
 - (4) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
 - (5) Proposed structural BMPs;
 - (6) A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- (b) ~~Calculations:~~ Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:
- (1) A description of the design storm frequency, duration, and intensity where applicable;
 - (2) Time of concentration;
 - (3) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - (4) Peak runoff rates and total runoff volumes for each watershed area;
 - (5) Infiltration rates, where applicable;
 - (6) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 - (7) Flow velocities;
 - (8) Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and
 - (9) Documentation of sources for all computation methods and field test results.
- (c) ~~Soils information:~~ If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (d) ~~Maintenance and repair plan:~~ The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures in compliance with the requirements of the most current Phase 2, MS4 permit for the City of Mt. Juliet to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility 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

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the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility. All permanent BMP's shall be inspected at least every five years by a State of Tennessee licensed professional engineer or landscape architect and kept on file with the property owner and made available to the City of Mt. Juliet upon request.

- (e) ~~Landscaping plan:~~ The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Tennessee.
- (f) ~~Maintenance easements:~~ The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.
- (g) ~~Maintenance agreement:~~
 - (1) ~~The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.~~
 - (2) ~~The maintenance agreement shall:~~
 - (a) ~~Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.~~
 - (b) ~~Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee who will submit a sealed report of the inspection to the City of Mt. Juliet Stormwater Department. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.~~
 - (c) ~~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, grass cuttings 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 owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.~~
 - (d) ~~Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City of Mt. Juliet Stormwater Department.~~
 - (e) ~~Provide that if the property is not maintained or repaired within the prescribed schedule, the City of Mt. Juliet Stormwater Department 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 of Mt. Juliet Stormwater Department cost of performing the maintenance shall be a lien against the property.~~
 - (h) ~~Stormwater pollution prevention plans:~~ The applicant must prepare a stormwater pollution prevention plan for all construction activities that complies with section 4, paragraph 5 below.
 - (5) ~~SWPPP:~~ The SWPPP (stormwater pollution prevention plan) shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The SWPPP shall comply with the most current requirements of the construction general permit (CGP). The

plan shall be sealed by a registered professional engineer licensed in the state of Tennessee. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

- (a) ~~Project description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.~~
- (b) ~~A topographic map with contour intervals of five feet or less showing present conditions and proposed contours resulting from land disturbing activity.~~
- (c) ~~All existing drainageways, including intermittent and wet weather. Include any designated floodways or floodplains.~~
- (d) ~~A general description of existing land cover. Individual trees and shrubs do not need to be identified.~~
- (e) ~~Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.~~
- (f) ~~Approximate limits of proposed clearing, grading and filling.~~
- (g) ~~Approximate flows of existing stormwater leaving any portion of the site.~~
- (h) ~~A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.~~
- (i) ~~Location, size and layout of proposed stormwater and sedimentation control improvements.~~
- (j) ~~Proposed drainage network.~~
- (k) ~~Proposed drain tile or waterway sizes.~~
- (l) ~~Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.~~
- (m) ~~The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.~~
- (n) ~~Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.~~
- (o) ~~Specific details for: the construction of rock pads, wash-down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City of Mt. Juliet Stormwater Department. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the City of Mt. Juliet Stormwater Department. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.~~

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- ~~(p) Proposed structures, location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.~~
- ~~(q) A description of on-site measures to be taken to recharge surface water into the groundwater system through infiltration.~~

~~(Ord. No. 2013-81, § 4, 11-25-2013)~~

Sec. 5. Post construction.

- ~~(1) *As-built plans.* The City of Mt. Juliet specific requirements for as-built plans shall be promulgated by the City of Mt. Juliet Stormwater Department and included in the stormwater design guidelines Appendix C to the subdivision regulations. All applicants are required to submit actual as-built plans for any structures located on-site 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. The plan shall identify all site stormwater outfall structures and structural water quality devices by State Plane Coordinates. A final inspection by the City of Mt. Juliet Stormwater Department is required before any performance surety will be released. The City of Mt. Juliet Stormwater Department shall have the discretion to adopt provisions for a partial pro-rata release of the performance surety on the completion of various stages of development as each stage complies with the requirements of this ordinance. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the City of Mt. Juliet Stormwater Department.~~
- ~~(2) *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 revegetated according to a schedule approved by the City of Mt. Juliet Stormwater Department. The following criteria shall apply to revegetation efforts:~~
 - ~~(1) 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 90 percent of the seeded area.~~
 - ~~(2) 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.~~
 - ~~(3) Any area of revegetation must exhibit survival of a minimum of 75 percent of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum 75 percent survival for one year is achieved.~~
 - ~~(b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.~~
- ~~(3) *Inspection of stormwater management facilities.* Periodic inspections of facilities shall be performed as provided for in section 4, paragraph 4.g.2.b.~~
- ~~(4) *Records of installation and maintenance activities.* Parties 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 five years. These records shall be made available to the City of Mt. Juliet Stormwater Department during inspection of the facility and at other reasonable times upon request.~~

(5) ~~Failure to meet or maintain design or maintenance standards.~~ If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City of Mt. Juliet Stormwater Department 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 of Mt. Juliet Stormwater Department shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 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 of Mt. Juliet Stormwater Department may take necessary corrective action. The cost of any action by the City of Mt. Juliet Stormwater Department under this section shall be charged to the responsible party.

(Ord. No. 2013-81, § 5, 11-25-2013)

Sec. 6. Alternative provisions.

(1) ~~General.~~ Every applicant shall provide for post-construction stormwater management as required by this ordinance. Requests to waive the stormwater management plan requirements shall be submitted to the City of Mt. Juliet Stormwater Department. Consideration of the request for waiver shall be based on the following:

(2) ~~Conditions for waiver.~~ The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

- (a) ~~It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.~~
- (b) ~~Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City of Mt. Juliet Stormwater Department.~~
- (c) ~~Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.~~

(3) ~~Downstream damage, etc. prohibited.~~ In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City of Mt. Juliet Stormwater Department that the waiver will not lead to any of the following conditions downstream:

- (a) ~~Deterioration of existing culverts, bridges, dams, and other structures;~~
- (b) ~~Degradation of biological functions or habitat;~~
- (c) ~~Accelerated stream bank or streambed erosion or siltation;~~
- (d) ~~Increased threat of flood damage to public health, life or property.~~

(4) ~~Land disturbance permit not to be issued where waiver requested.~~ No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

(Ord. No. 2013-81, § 6, 11-25-2013)

Sec. 7. Existing locations and developments.

- (1) ~~Requirements for all existing locations and developments.~~ The following requirements shall apply to all locations and development 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 BMP manual and on a schedule acceptable to the City of Mt. Juliet Stormwater Department.~~
 - (b) ~~Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.~~
 - (c) ~~Drainageways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.~~
 - (d) ~~Trash, junk, rubbish, etc. shall be cleared from drainageways.~~
 - (e) ~~Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:~~
 - (1) ~~Ponds:~~
 - (a) ~~Detention pond.~~
 - (b) ~~Extended detention pond.~~
 - (c) ~~Wet pond.~~
 - (d) ~~Alternative storage measures.~~
 - (2) ~~Constructed wetlands.~~
 - (3) ~~Infiltration systems:~~
 - (a) ~~Infiltration/percolation trench.~~
 - (b) ~~Infiltration basin.~~
 - (c) ~~Drainage (recharge) well.~~
 - (d) ~~Porous pavement.~~
 - (4) ~~Filtering systems:~~
 - (a) ~~Catch basin inserts/media filter.~~
 - (b) ~~Sand filter.~~
 - (c) ~~Filter/absorption bed.~~
 - (d) ~~Filter and buffer strips.~~
 - (5) ~~Open channel:~~
 - (a) ~~Swale.~~
- (2) ~~Requirements for existing problem locations.~~ The City of Mt. Juliet Stormwater Department shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.
- (2) ~~Inspection of existing facilities.~~ The City of Mt. Juliet Stormwater Department may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities,

including those built before as well as after the adoption of this ordinance, 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 or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES stormwater permit; 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 BMPs.

~~(4) Corrections of problems subject to appeal. Corrective measures imposed by the stormwater department under this section are subject to appeal under section 11 of this ordinance.~~

~~{Ord. No. 2013-81, § 7, 11-25-2013}~~

Sec. 8. 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 described as follows:
 - (a) Uncontaminated discharges from the following sources:
 - (1) Water line flushing or other potable water sources,
 - (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 City of Mt. Juliet Stormwater Department as being necessary to protect public health and safety.~~

~~(c) Dye testing is an allowable discharge if the City of Mt. Juliet Stormwater Department has received a dye trace application reviewed and approved from the State of Tennessee.~~

(3) *Prohibition of illicit connections.*

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

~~(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) ~~*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 BMPs 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 compliance with the provisions of this section.~~

(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 stormwater, 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 of Mt. Juliet Stormwater Department in person or by telephone or 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 City of Mt. Juliet Stormwater Department within three 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 five years.

(Ord. No. 2013-81, § 8, 11-25-2013)

Sec. 9. Enforcement.

(1) *Enforcement authority.* The stormwater coordinator for the City of Mt. Juliet or his designees shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section.

~~(2) *Notification of violation.*~~

~~(a) *Written notice.* Whenever the stormwater coordinator for the City of Mt. Juliet 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 director may serve upon such person written notice of the violation. Within ten 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 director. 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.~~

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- ~~(b) *Consent orders.* The stormwater coordinator 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 subsections (d) and (e) below.~~
- ~~(c) *Show cause hearing.* The stormwater coordinator 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 days prior to the hearing.~~
- ~~(d) *Compliance order.* When the stormwater coordinator 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, devices, be installed 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.~~
- ~~(e) *Cease and desist orders.* When the stormwater coordinator finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:~~
- ~~(1) Comply forthwith.~~
- ~~(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.~~
- ~~(3) Conflicting standards. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the municipality under this ordinance, the strictest standard shall prevail.~~
- ~~{Ord. No. 2013-81, § 9, 11-25-2013}~~

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Sec. 10. Penalties.

- (1) *Violations.* Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of 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 of Mt. Juliet Stormwater Department, shall be guilty of a civil offense.
- (2) *Penalties.* Under the authority provided in Tennessee Code Annotated § 68-221-1106, the municipality declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Mt. Juliet Stormwater Department of not less than \$50.00 and not more than \$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 stormwater coordinator for the City of Mt. Juliet may consider:
- The harm done to the public health or the environment;
 - Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - The economic benefit gained by the violator;

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- (d) The amount of effort put forth by the violator to remedy this violation;
 - (e) Any unusual or extraordinary enforcement costs incurred by the municipality;
 - (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - (g) 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 municipality may recover; (a) all damages proximately caused by the violator to the municipality, 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.
- (a) The costs of the municipality's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.
- (5) *Other remedies.* The municipality may bring legal action to enjoin the continuing violation of this ordinance, 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 or more of the remedies set forth herein has been sought or granted.
- (Ord. No. 2013-81, § 10, 11-25-2013)

Sec. 11. Appeals.

- (1) 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 ordinance may appeal said penalty or damage assessment to the municipality's governing body.
 - (2) Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within 15 days after the civil penalty and/or damage assessment is served in any manner authorized by law.
 - (3) Public hearing. Upon receipt of an appeal, the municipality's governing body shall hold a public hearing within 30 days. Ten days' prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten 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 municipality shall be final.
 - (4) Appealing decisions of the municipality's governing body. Any alleged violator may appeal a decision of the municipality's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8.
- (Ord. No. 2013-81, § 11, 11-25-2013)

Sec. 12. Stormwater fees.

- (a) *Plan review fees.*
 - Commercial Site Plans—\$500.00 + \$125.00 per acre or portion thereof, maximum of \$6,010.00
 - Residential Subdivisions—\$500.00 + \$75.00 per lot
- For every submittal past the 3rd submittal, a 50% re-review fee shall be applied.

Staff reserves the right to charge full or 50% review fees for any plans with significant changes in the design, or for resubmittals 90 days past the time that staff comments have been issued.

(b) *Land disturbance permits.*

Residential subdivision sections or commercial sites:

Less than one acre	\$250.00
1 acre—4.99 acres	\$615.00
5 acres—9.99 acres	\$740.00
10 acres—19.99 acres	\$985.00
20 acres—29.99 acres	\$1,230.00
30 acres—39.99 acres	\$1,475.00
40 acres—49.99 acres	\$1,840.00
50 acres—74.99 acres	\$2,455.00
75 acres—99.99 acres	\$4,910.00
100 acres—149.99 acres	\$7,365.00
150 acres—249.99 acres	\$9,820.00
250 acres—499.99 acres	\$12,270.00
500 acres or more	\$18,405.00

(c) *Stormwater erosion control inspection fee.*

Residential construction—\$500.00 per residence

Commercial construction—\$0.1700 per sq. ft. of impervious surface up to a maximum of \$35,000 PLUS \$175.00 per acre of impervious surface, rounded up to the nearest whole number of acres. Impervious surface includes building footprint and all paved areas.

(d) *Rock crusher fee.*

Plan review	\$250.00
Rock crusher permit fee	\$370.00
Total	\$620.00

(e) *Stock pile fee.*

Plan review	\$250.00
Stock pile permit fee	\$370.00
Total	\$620.00

(Ord. No. 2014-9, § 1(Att.), 2-10-2014; Ord. No. 2016-28, § 1, 5-23-2016; Ord. No. 2022-34, § 1, 7-11-2022)

Sec. 13. Stormwater utility.

Applicable Definitions

For the purpose of this section, 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.

"*Base rate*" means the stormwater user's fee for a single-family unit in the city.

"*Best Management Practices*" or "*BMPs*". The physical, structural, and/or managerial practices that, when used alone or in combination, prevent or reduce pollution of water, that have been approved by the City of Mt. Juliet, and that have been incorporated by reference into the Stormwater Ordinance as if fully set out therein.

"*Bonds*" means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction.

"*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.

"*Costs of construction*" means costs reasonably incurred in connection with providing capital improvements related to stormwater facilities or any portion thereof, including but not limited to the costs of (1) acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefor, (2) physical construction, installation and testing, including the costs of labor, services, materials, supplies and utility services used in connection therewith, (3) architectural, engineering, legal and other professional services, (4) insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor, for construction and installation, (5) any taxes or other charges which become due during construction, (6) expenses incurred by the City of Mt. Juliet or on its behalf with its approval in seeking to enforce any remedy against any contractor or sub-contractor in respect of any default under a contract relating to construction, (7) principal of and interest of any bonds, and (8) miscellaneous expenses incidental thereto.

"*Debt Service*" means, with respect to any particular fiscal year and any particular series of bonds, an amount equal to the sum of (1) all interest payable on such bonds during such fiscal year, plus (2) any principal installments of such bonds during such fiscal year.

"*Developed property*" means real property which has been altered from its natural state by the creation or addition of buildings, structures, pavement or other impervious surfaces, or by the alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events.

"*Director - Public Works and Engineering*" means the City of Mt. Juliet Director - Public Works and Engineering or his/her designee who is designated to supervise the operation of the stormwater management programs and system.

"*Dwelling*" or "*dwelling unit*" means a building or a portion thereof occupied for residential purposes.

"*Fee(s)*" or "*Stormwater user's fee(s)*" means the charge established by ordinance or resolution, and levied on owners or users of parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the city. The stormwater user's fees are in addition to any other fee that the city has the right to charge under any other rule or regulation of the city.

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

"*Impervious surface*" is a surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.

"Impervious surface area" is the number of square feet of horizontal surface covered by buildings, and other impervious surfaces. All building measurements shall be made between exterior limits of the structure, foundations, columns or other means of support or enclosure.

"Land disturbance" is a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

"Municipal ownership." See "public ownership."

"Non-residential property" means developed property other than single-family or non-single-family residential property. Such property includes, but not be limited to, commercial properties, industrial properties, parking lots, hospitals, schools, recreational and cultural facilities, hotels, offices, churches, and mixed use property.

"Property" means real property.

"Property owner" is the property owner of record as listed in the city's and/or county's tax 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.

"Private ownership" is all facilities privately owned and maintained.

"Public ownership" or *"Municipal ownership"* is all facilities having been dedicated to and accepted by the City of Mt. Juliet, Wilson County, State of Tennessee, or Federal Government.

"Redevelopment" means building or constructing new infrastructure in an area that has previously been built or constructed on, and the old infrastructure is to be replaced with new.

"Residential property" means land that is zoned, developed or used solely as residential land, including, but not limited to, duplexes, townhouses, apartments, condominiums, mobile homes, mobile home parks, mixed use buildings and other multi-unit residential developments, or any other lands upon which there are residential structures that contain more than one dwelling unit.

"Single-family residential property" means a developed property which serves the primary purpose of providing one detached dwelling unit for one family or housekeeping unit.

"Stormwater facilities" or *"Stormwater flood control facilities"* means all natural and manmade conveyances and structures for which the partial or full purpose or use is to convey surface water within the jurisdictional boundaries of the city. This includes all natural conveyances for which the city has assumed a level of maintenance responsibility, to which the city has made improvements, against the flooding of which the city must make provision to protect public and private property, or for which the city is accountable under federal or state regulations for protecting the water quality within its jurisdictional boundaries.

"Stormwater management" means the planning, acquisition, design, construction, regulation, improvement, repair, rehabilitation, maintenance, and operation of property, facilities and programs relating to water, flood plains, flood control, grading, erosion, conservation, riparian buffers and sediment control.

"Stormwater management fund" or *"fund"* means the fund created by this ordinance to operate, maintain, and improve the city's stormwater system.

"Stormwater system" or *"System"* means all stormwater facilities, stormwater drainage systems and flood protection systems of the City and all improvements thereto which operate to, among other things, control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, prevent or reduce flooding, over drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

"*Stormwater utility*" is a management structure that is responsible solely and specifically for the stormwater management program and system.

"*Stream*" means a surface water that is not a wet weather conveyance. [Rules and Regulations of the State of Tennessee, Chapter 0400-40-03-.04(31)]

"*Undeveloped property*" means property that is in its natural state and has not been developed; does not have impervious surfaces on it.

"*User(s)*" means for developed non-exempt property the person listed as receiving utility service or, if there is no such service or person listed, the property owner. It may also mean the property owner of property with multiple utility service accounts on such property.

"*Vacant*" is property on which there is no structure for which a certificate of occupancy has been issued.

- (1) *General - Legislative findings and policy.* The City of Mt. Juliet finds, determines and declares that the stormwater system, which provides for the collection, treatment, storage and disposal of stormwater, provides benefits and services to all property within the incorporated City of Mt. Juliet limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater, the reductions 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 water quality in the stormwater and surface water system and its receiving waters of the state all of which are managed by the Director - Public Works and Engineering as part of the Municipal Separate Storm Sewer System (MS4) Program.

The objective of this ordinance is to promote the public health, safety and general welfare of the City of Mt. Juliet, Tennessee ("City") and its citizens in compliance with the Federal Clean Water Act, 33 U.S.C. 1251 et seq., and Tennessee Code Annotated, § 68-221-1101 et seq. which require municipalities to implement stormwater management programs, within prescribed time frames, to regulate stormwater discharges to protect water quality; establish adequate systems of collection, conveyance, detention, treatment and release of stormwater; reduce hazards of property and life resulting from stormwater runoff; and enable municipalities to fix and require payment of fees for the privilege of discharging stormwater. The City finds that a stormwater management system which provides for the treatment of stormwater is of benefit and provides services to all property within the City.

- (2) *Creation of stormwater utility and stormwater management fund.* To achieve the purposes of the Federal Clean Water Act and T.C.A. § 68-221-1101 et seq., there is created a stormwater utility and a stormwater special revenue fund known as the Mt. Juliet Stormwater Management Fund to fund the stormwater utility in and for the City within the Public Works Department. The stormwater utility, pursuant to the policy that may be established by the City Commission and under the general supervision and control of the Director - Public Works and Engineering, with the participation and assistance of other city departments, may:
- (a) Administer the acquisition of property for and the design, construction, maintenance and operation of the stormwater utility system, including capital improvements designated in the capital improvement program;
 - (b) Administer and enforce this ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, rehabilitation, operation and alteration of the utility stormwater system, including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby;
 - (c) Advise the City Commission and other city departments on matters relating to the utility;
 - (d) Prepare and revise a comprehensive drainage plan for adoption by the City Commission;
 - (e) Review plans and approve or deny, inspect and accept extensions and connections to the system;

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- (f) 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; or
 - (g) Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, civil penalties and other revenues of the utility.
- (3) *Administering Entity.* The Stormwater Utility shall be part of the City of Mt. Juliet's Public Works Department. The Stormwater Utility, under the direction and supervision of the Director - Public Works and Engineering or designee, shall administer the provisions of this Stormwater Utility Ordinance.
- (4) *Funding of Stormwater Utility.* Funding for the Stormwater Utility's activities may include, but not be limited to, the following:
- (a) Stormwater user fees;
 - (b) Civil penalties and damage assessments imposed for or arising from the violation of the City of Mt. Juliet Stormwater Ordinance;
 - (c) Land Disturbance Permit, stormwater review, and inspection fees; and other associated fees established in Sec 12. - Stormwater Fees;
 - (d) Other funds or income obtained from federal, state, local, and private grants, or revolving funds, and from the Local Government Public Obligations Act of 1986 (Tennessee Code Annotated, title 9, chapter 21).

To the extent that the stormwater user fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such City of Mt. Juliet funds as may be determined by the City Commission.

- (5) *Stormwater Management Fund.* All revenues generated by or on behalf of the Stormwater Utility shall be deposited in a Stormwater Management Fund and used to fulfill the purposes of the Stormwater Utility.
- (6) *Operating Budget.* The City Commission shall adopt, based on a recommendation from the Director - Public Works and Engineering, an operating budget for the Stormwater Management Fund 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.
- (7) *Stormwater User's Fees Established.* There shall be imposed on each and every property in the City of Mt. Juliet, except exempt property, a stormwater user fee, which shall be set from time to time by ordinance or resolution in the fee schedule as adopted by the City of Mt. Juliet. Prior to establishing or amending the stormwater user fee, the City of Mt. Juliet shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the city at least 30 days in advance of the meeting of the City Commission at which the fees are considered for adoption or amendment.
- (8) *Base Rate.* The City Commission shall establish the base rate for the stormwater user's fees. The base rate will be calculated to provide adequate revenues to fund the costs of stormwater management and to provide for the acquisition, operation, maintenance, rehabilitation and capital improvements of the stormwater utility in the city. The base rate is set forth by ordinance or resolution and will be charged to customers on a monthly basis.

The base rate for stormwater user's fees is \$5.40 per month per Equivalent Residential Unit (ERU).

- (9) *Equivalent Residential Unit (ERU).*
 - (a) There is established, for purposes of calculating the stormwater user's fees, the equivalent residential unit (ERU).

- (b) The ERU is the average square footage of the impervious surface area of all residential dwelling units in the City of Mt. Juliet.
 - (c) The equivalent residential unit (ERU) is hereby established as 3,050 square feet of impervious surface area.
 - (d) The City Commission will have the discretion to determine the source of the data from which the ERU is established, taking into consideration the general acceptance and use of such source on the part of other stormwater systems, and the reliability and general accuracy of the source.
 - (e) The ERU shall be evaluated by the Stormwater Utility as necessary, but the ERU should be evaluated at least every five years.
- (10) *Property Classification for Stormwater User Fees.* For purposes of determining the stormwater user's fee, all properties in the City of Mt. Juliet are classified into one of the following categories:
- (a) Residential property fee. The City Commission finds that the monthly stormwater management fees for residential property will be based on the average amount of impervious surface for all residential dwelling units in the City, which is known as an ERU. The stormwater user fee for residential property will be determined based on the number of dwelling units associated with the residential billing account. For example, a residential account with one dwelling unit will be assigned one ERU. A residential account with two dwelling units will be assigned two ERUs.
 - (b) Non-residential property fee. The fee for developed property that is not residential property in the City will be the base rate multiplied by the numerical factor obtained by dividing the total impervious area (square feet) of the property by one ERU, rounded to the nearest tenth ($\frac{1}{10}$). The minimum value shall not be less than one equivalent residential unit.

Classification	Number of SFUs	Stormwater User's Fee Monthly Rate
Non-Residential Property - Commercial, industrial, institutional, recreational, cultural, churches, parking lots, etc.	Variable depending on amount of impervious surface area	\$5.40 per ERU per month with a minimum fee of no less than \$5.40 per month

- (c) Exempt property. The following property is exempt from the stormwater user's fee:
 - i) Property which stormwater runoff is not discharged into or through the stormwater flood control facilities, or both, of the City.
 - ii) Owners and/or operators of agricultural property, in the City, upon which the owner and/or operator conducts activities that enable the owner and/or operator to satisfy the requirements of a qualified farmer or nurseryman, as defined in Tennessee Code Annotated, Section 67-6-207.
 - iii) Undeveloped property that is not altered from its natural state.
 - iv) Developed property with less than 500 total square feet of impervious surface area per individual lot.
 - v) Improved public transportation ways, including public streets, roads, sidewalks, mobility paths, greenways and trails, airport runways, and internal roads within public facilities which have been conveyed to the City and are used by the general public for motor vehicle transportation.
 - vi) Railroad tracks, provided, however, railroad stations, maintenance buildings or other developed land will not be exempt from stormwater user fees.

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- (11) *Payment of Stormwater User's Fees.* Except as otherwise provided in this section, stormwater user's fees for a non-exempt property that receives utility service from the City will be sent to the person named on the account, who shall be responsible for the payment of such fees. For developed property having no utility service, the stormwater user's fees will be sent to the property owner, who shall be responsible for the payment of such fees. Where multiple utility service accounts exist on a single property, the stormwater user's fees may, for good cause shown at the discretion of the City, be sent to the property owner, who shall be responsible for the payment of such fees.
- (12) *Billing Procedures, Delinquent Bills and Penalties for Late Payment.*
- (a) The stormwater user's fee must be set at a rate, and collected on a schedule, established by ordinance or resolution.
 - (b) Stormwater user's fees will be paid to the City of Mt. Juliet - Sewer Billing Department (acting as the collection agency for the City) by any method allowed by the Mt. Juliet - Sewer Billing Department and shall become delinquent after the due date shown on the bill. If a customer does not have utility service with the City of Mt. Juliet - Sewer Billing Department, the City may bill the owner of such property directly through a separate billing process. Such bills are subject to the same delinquency policy established herein.
 - (c) Stormwater user's fees shall be subject to a late payment penalty. The late payment penalty shall be applied in the same manner as City of Mt. Juliet - Sewer Billing Department's rules and regulations as it relates to utility bills.
 - (d) Whenever the stormwater utility fee for a property becomes delinquent as set forth in the collection process established by the City of Mt. Juliet - Sewer Billing Department, the delinquent fee together with the outstanding penalties shall become and constitute a lien upon the parcel.
 - (e) The City shall be entitled to recover reasonable attorney's fees and costs incurred in collecting delinquent stormwater user's fees. Any charge due under this ordinance which shall not be paid may be recovered at law by the City.
 - (f) Pursuant to Tennessee Code Annotated, Section 68-221-1112, each bill for stormwater user's fees will contain the following statement in bold:

THIS FEE HAS BEEN MANDATED BY CONGRESS.

- (13) *Stormwater User Fee Credit and Adjustment Policy.* Adjustments may be requested for errors or omissions on the customer's stormwater user fee. Request for adjustment due to error or oversight of the stormwater user's fee must be submitted to the City within 30 days from the date of the last bill containing the customer's stormwater user fee. Any appeal for adjustment shall be filed in writing and shall state the grounds for the appeal. The Director - Public Works and Engineering may request additional information from the appealing party. Adjustments will be determined on the basis of the number of dwelling units or amount of impervious surface area on the property. The Director - Public Works and Engineering shall notify the appealing party in writing of the decision. Adjustments can also be made by the City should the City identify an error or oversight, provided the City notifies the customer in advance of the adjustment.

The City of Mt. Juliet will provide a system of credits to reduce stormwater user fees for properties on which stormwater control measures substantially mitigates the peak discharge, runoff volume and/or runoff pollution flowing from such properties or substantially decreases the City's cost of maintaining the stormwater management system.

The Public Works Department will develop written procedures to implement the credit system. No credit will be authorized until the City Commission approves such written policies to implement the system of credits; a copy of the approved procedures will be on file with the Public Works Department. The procedures may allow credits retroactively for no more than one past year. Any reimbursement granted due to a credit will be reimbursed

through the utility billing system. Credits cannot exceed the stormwater utility charge for the customer. Nothing herein will prevent the City Commission from modifying the adopted system of credits, and such modifications may apply to holders of existing credits.

(Ord. No. 2022-62 , 11-28-2022)