

TITLE 18

WATER AND SEWERS

CHAPTER

1. STORMWATER MANAGEMENT REGULATIONS.
2. BEST MANAGEMENT PRACTICES MANUAL.
3. SEWER CONNECTION REQUIREMENTS.

CHAPTER 1

STORMWATER MANAGEMENT REGULATIONS¹

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18-101. General. (1) Title. These regulations shall be known, cited and referred to as the "Stormwater Regulations of the Town of Nolensville, Tennessee."

(2) Preamble. The Town of Nolensville (town) Board of Commissioners finds and declares that it is in the best interest of the citizens of the town to regulate the discharge of stormwater, alleviate the effects of flooding and facilitate compliance with the Water Quality Act of 1977, the Water Quality Act of 1987 and the Clean Water Act of 1977, being U.S.C. § 1251, *et seq.* In furtherance of same, the town board of commissioners hereby adopts these regulations governing stormwater discharges, stormwater management, flood control, erosion prevention, and water quality protection.

(3) Purpose and authority. (a) Protect, maintain, and enhance the environment of the town and the public health, safety and general

¹Appendixes A-C referred to throughout this chapter (and amendments thereto) are available in the office of the town recorder.

welfare of the citizens of the town, by controlling discharge of pollutants to the stormwater system and maintain and improve the quality of receiving waters into which the stormwater outfalls discharge, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the town.

(b) Enable the town to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR § 122.26 for stormwater discharges.

(c) Allow the town to exercise the powers granted in *Tennessee Code Annotated*, § 68- 221-1105, or as amended by the State of Tennessee.

(d) The town shall have authority to implement and supplement these regulations by reference to appropriate guidance or other related materials. Guidance or other related materials may be modified to meet the objectives and policies of this regulation, so long as such modifications to guidance or other related materials are not contrary or beyond the intent of these regulations. The guidance or other related materials shall not in any way endorse specific commercially available products. However, they may refer to performance specifications, class of devices, construction, or management practice.

(e) The town shall have right-of-entry upon the property subject to this regulation and any permit/document issued hereunder. The town shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this regulation.

(f) Where a property, site or facility has security measures in place that require proper identification and clearance before entry into its premises, the owner/operator shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the town will be permitted to enter without delay for the purposes of performing specific responsibilities.

(g) The town shall have the right to utilize on the owner/operator property such devices as are necessary to conduct sampling and/or metering of the person's stormwater operations or discharges.

(h) Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the owner/operator at the written or verbal request of the town. The costs of clearing such access shall be borne by the owner/operator. The town reserves the right to determine and impose inspection schedules necessary to enforce the provisions of these regulations.

(4) Applicability and jurisdiction. The stormwater regulations shall govern all properties within the corporate limits of Nolensville, Tennessee.

(5) Exemptions. The following activities are exempt from the requirements of these regulations:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;

(b) Agricultural land management activities; and

(c) Any silviculture activity that is consistent with an approved timber management plan prepared or approved by the State of Tennessee.

(6) Duty to mitigate. The owner/operator shall take all reasonable steps to minimize or prevent any discharge in violation of these regulations.

(7) Duty to provide information. The owner/operator shall furnish to the town any information that is requested to determine compliance with these regulations or other information.

(8) Other information. When the owner/operator becomes aware that the owner/operator failed to submit any relevant facts or submitted incorrect information in the notice of intent, or in any other report to the town, the owner/operator shall promptly submit such facts or information.

(9) Savings provision. These regulations shall not be construed as altering, modifying, vacating or nullifying any action now impending or any rights of obligations obtained by any person, firm or corporation through approval of a preliminary plat by the town planning commission or through the approval of any grading/land disturbance permit, or any other lawful action of the town prior to the adoption of these regulations. (2002 Code, § 18-101, modified)

18-102. Standards. (1) Stormwater quality control measures.

(a) There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge to the town stormwater system.

(b) The stormwater discharge to the town stormwater system must not cause an objectionable color contrast in the receiving stream.

(c) The stormwater discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

(d) Development and significant redevelopment will be required to minimize the impact to stormwater quality by applying structural and/or non-structural management practices selected to address site-specific conditions.

(e) Increased pollutant concentrations and loads impact the ability of the waters of the state to meet designated use goals. To minimize these stormwater quality impacts, onsite stormwater quality control measures are mandatory for all developments subject to review by the town engineer. The extent and type of stormwater management

practices must be proportionate to the land use, potential pollutant discharges, TMDL allocations, and proximity to regional stormwater quality management practices. The town encourages implementation of a series of stormwater control measures that optimize the use of required green and open spaces, such as Low Impact Development (LID) practices and Green Infrastructure (GI) designs, especially along buildings and within or along parking lots. Stormwater control measures shall, at a minimum, infiltrate, evapo-transpire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. The first inch of rainfall must be managed on site without any stormwater runoff being discharged to surface waters, if appropriate for the site and there is not a potential for introducing pollutants into the groundwater (unless pretreatment is provided); pre-existing soil contamination in areas subject to contact with infiltrated runoff; and sinkholes or other karst features are not present. Permanent stormwater control measure design must take into account infiltrative capacity of soils at the site.

(f) For projects and sites that cannot meet one hundred percent (100%) of the first inch infiltration requirements, the remaining portion of the first one inch (1") of rainfall must be treated with structural or non-structural stormwater control measures reasonably expected to remove eighty percent (80%) of the Total Suspended Solids (TSS). The structural control measures must be designed, installed, and maintained to continue to meet this performance standard.

(g) Stormwater discharges from hot spots (priority areas) may require the application of specific structural stormwater quality management practices and pollution prevention practices.

(h) No land disturbance activities, whether by private or public action, shall be performed in a manner that will negatively impact stormwater quality whether by flow restrictions, increased runoff, or by diminishing channel or floodplain storage capacity. Erosion and sedimentation, or transport of other pollutants or forms of pollution, due to various land development activities, must be controlled.

(i) Supportive data must be submitted to justify the type of stormwater quality control measures selected. If the facility is designed to infiltrate the first inch of rainfall, then appropriate calculations and/or soil analyses shall be submitted to the town engineer. This submittal shall also discuss the impacts that stormwater quality control measures will have on local karst topography as found through a geological investigation of the site.

(2) Stormwater quantity control measures. (a) New development shall meet a stormwater quantity level of service defined by:

(i) Designing road catch basins and connecting culverts to convey the ten (10) year, twenty-four (24) hour design storm runoff.

(ii) Designing bridges, channels and cross-drains to pass the twenty-five (25) year, twenty-four (24) hour design storm runoff. Calculations shall also be provided for the one hundred (100) year, twenty-four (24) hour design storm.

(b) Stormwater infrastructure shall be designed in a way that:

(i) Critical service roads are not inundated by more than three inches (3") of water over one-half (1/2) the roadway width under a one hundred (100) year, twenty-four (24) hour design storm event; and

(ii) Other new roads shall be designed to have no more than six inches (6") of road overtopping at the twenty-five (25) year, twenty-four (24) hour design storm event.

(c) Re-development activities will be required to follow stormwater quantity requirements.

(d) No land disturbance activities, whether by private or public action, shall be performed in a manner that will negatively impact stormwater quantity whether by flow restrictions, increased runoff, or by diminishing channel or floodplain storage capacity. Erosion or sedimentation, or transport of other pollutants or forms of pollution, due to various land development activities must be controlled.

(3) Allowable discharges. (a) Pursuant to the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) program administered by the Tennessee Department of Environment and Conservation (TDEC), illicit discharges to the MS4 are defined as illegal. Non-stormwater discharge is any discharge to the MS4 except as permitted by subsection (3)(b) below. Except as hereinafter provided, all non-stormwater discharges into the MS4 are prohibited and declared to be unlawful.

(b) Unless the town has identified them as a source of pollutants to the "waters of the State of Tennessee," the following non-stormwater discharges into the municipal separate storm sewer system are lawful:

- (i) Discharges from emergency firefighting activities;
- (ii) Rising groundwaters;
- (iii) Uncontaminated groundwater infiltration to separate storm sewer systems (as defined by 40 CFR § 35.2005 (20));
- (iv) Uncontaminated pumped groundwater;
- (v) Discharges from potable water sources as required for system maintenance;
- (vi) Water line flushing;

- (vii) Foundation, footing, and crawl space drains and pumps;
 - (viii) Air conditioning condensate;
 - (ix) Landscape and lawn irrigation;
 - (x) Uncontaminated springs;
 - (xi) Individual residential vehicle washing;
 - (xii) Flows from riparian habitats and wetlands;
 - (xiii) Dechlorinated swimming pool discharges;
 - (xiv) Street wash waters resulting from normal street cleaning operations;
 - (xv) Controlled flushing stormwater conveyances (controlled by appropriate BMPs);
 - (xvi) Discharges within the constraints of a National Pollutant Discharge Elimination System (NPDES) permit from the Tennessee Department of Environment and Conservation (TDEC);
 - (xvii) Other special discharges as approved by the town;
- and
- (xviii) Dye testing is an allowable discharge if approved by the town engineer.

(4) Stormwater management report. Appendix C of the town zoning ordinance requires a drainage plan and calculations to be submitted to the town. Due to the complexity of the town's MS4 permit and water quantity/quality concerns, a stormwater management report shall be prepared for all developments unless waived by the town engineer. The stormwater management report shall contain:

- (a) Map showing existing and proposed drainage areas;
- (b) Map showing all outfalls from the site for existing and proposed conditions, with tables of drainage areas;
- (c) Map showing locations where existing and proposed hydrographs were generated (computation points/nodes);
- (d) Narrative, including methodology, technical approach, and results demonstrating the town stormwater quantity and quality requirements are being met (refer to § 18-102(1), (2), and (3));
- (e) Other applicable calculations and narrative demonstrating the applicable stormwater requirements contained in the subdivision regulations and zoning ordinance are being met; and
- (f) Drainage plan and drainage calculations review checklist (see Appendix B).

A sufficiency review will be conducted of the stormwater management report. A detailed review will not be performed unless the requirements of § 18-102(3) are met. (2002 Code, § 18-102)

18-103. Stormwater runoff controls. (1) Land disturbance activities may not aggravate upstream or downstream flooding.

(2) Detention and retention facilities, or other flow attenuation methods, shall be sized such that the post-development peak discharge rate is less than, or equal to, the pre-development peak discharge rate for the two (2) year, five (5) year, ten (10) year, twenty-five (25) year, fifty (50) year, and one hundred (100) year, twenty-four (24) hour design storms. Rainfall data shall be taken from *NOAA Atlas 14*. The facilities shall be designed such that the cumulative post-development discharge volume is less than, or equal to, the cumulative pre-development discharge volume during the critical time for the two (2) year, five (5) year, ten (10) year, twenty-five (25) year, fifty (50) year, and one hundred (100) year, twenty-four (24) hour design storms. The critical time shall be between the hours of eleven (11) and eighteen (18) of the twenty-four (24) hour design storm unless otherwise specified by a town accepted watershed plan. Tabular (time-series) hydrograph and volume data shall be submitted, in addition to a summary table of discharge and volume comparisons, in the stormwater management report.

(3) Water quality measures, such as forebays or other BMPs, shall be incorporated into detention facilities for added quality benefit and ease of maintenance. Water quality calculations shall be provided for the entire proposed development, which shall demonstrate that requirements of § 18-102(1) have been met. Calculations may follow the procedures listed in Metro Nashville's *Low Impact Development Manual* (current edition) for the runoff reduction method, and the Metro Nashville spreadsheet LID tool may be used to demonstrate that water quality requirements have been met.

(4) Consideration shall be given to the use of regional facilities for stormwater quantity control if practical.

(5) Fee in lieu of detention shall be evaluated on a site-by-site basis. The fee shall include cost of construction and fair market value of the land required for detention facility construction. The use of the fee in lieu of detention does not exempt the requirement of water quality BMPs.

(6) Detention and retention facilities shall not be located in the right-of-way nor in a waterway natural area.

(7) Detention and retention facilities shall only be located on commonly owned areas or parcels, and shall not be located on parcels or lots intended for single-family residential uses. (2002 Code, § 18-103)

18-104. Waterway natural areas. (1) General waterway natural area requirements. (a) Waterway Natural Areas (WNA) shall be implemented in major subdivisions as open space. In any development other than a major subdivision where open space is not provided, the WNA shall be on private lots.

(b) WNA width shall be at least one hundred feet (100') perpendicular from the top of bank on each side of the waterway where tributary area is greater than, or equal to, five (5) square miles at the location of the subdivision or development.

(c) WNA width shall be at least seventy-five feet (75') perpendicular from the top of bank on each side of the waterway where the tributary area is greater than, or equal to, one (1) square mile and less than five (5) square miles at the location of the subdivision or development.

(d) WNA width shall be at least fifty feet (50') perpendicular from the top of bank on each side of the waterway where the tributary area is less than one (1) square mile at the location of the subdivision or development.

(e) WNAs shall be applied along all intermittent and perennial stream waterways as determined by the town, TDEC, Tennessee qualified hydrologic professional or USGS topographic information. This determination shall be presented at the pre-application conference phase, however the town reserves the right to identify a waterbody until preliminary plat approval.

(f) WNAs shall be recorded on the plat for parcels subject to plat revision.

(g) On parcels not subject to plat revisions, the WNAs shall be applied as a setback from the top of bank.

(h) WNA designations shall not reduce base site area and may be included as part of the required open space.

(i) All site development plans and plats prepared for recording shall:

(i) Define the boundaries of any WNA on the subject property and label as "waterway natural area."

(ii) Provide a note to reference any WNA stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the town engineering department."

(iii) Provide a note to reference any protective covenants governing all WNAs stating: "Any Waterway natural area shown hereon is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas."

(j) All WNAs must be protected during development activities. Construction layout survey must include staking and labeling the WNAs. Use a combination of stakes and flagging to ensure adequate visibility.

(k) Minor landscaping is allowed within the WNA to repair erosion, damaged vegetation, or other problems identified. Landscaping or stabilization activities must have prior approval by the engineering department.

(2) Permitted waterway natural area uses:

(a) If the adjacent land use involves subsurface discharges or surface application from a wastewater treatment system that serves more

than one (1) household or a non-residential use, effluent will not be allowed to discharge in the WNA except as provided herein. Where TDEC has granted an NPDES wastewater permit, the permittee is allowed to convey the effluent through the WNA to the waterway designated in the NPDES permit.

(b) Septic tanks must be outside of waterway natural area. Septic field lines may be allowed within the WNA to within twenty-five feet (25') from stream top of bank or as determined by the Williamson County Department of Sewage Disposal Management, whichever provides the greatest distance from top of stream bank.

(c) No buildings shall be allowed in the WNA with the exception of passive recreation areas. (2002 Code, § 18-104)

18-105. Stormwater system long-term operation and maintenance. (1) The maintenance requirements for permanent stormwater runoff control facilities shall be the responsibility of the owner/operator.

(2) Residential developments that form a homeowners association, trust indenture, or other management entity, that entity shall be responsible for long term operation and maintenance of stormwater infrastructure located in drainage easements or open space.

(3) An engineer shall provide a stormwater infrastructure long-term operation and maintenance plan with an opinion of probable costs and schedule, subject to approval by the town. The long term operation and maintenance plan shall be in writing, shall be in recordable form, and shall, in addition to any other terms deemed necessary by the town, contain a provision permitting inspection at any reasonable time by the town of the facilities deemed critical to the public welfare.

(4) The town will have the authority to maintain facilities not properly maintained and to recover costs associated with the maintenance from the owner/operator.

(5) Operation and maintenance plans for residential development shall be submitted and recorded with the final plat.

(6) Operation and maintenance plans for non-residential development shall be submitted and recorded prior to the issuance of a land disturbance permit.

(7) Upon approval of the stormwater management facilities by the town, the facility owner/operator(s) shall demonstrate the ability to garner and apply the financial resources necessary for long-term maintenance requirements. The funding mechanism shall be in a form approved by the town. The town will only approve funding mechanism(s) for long-term maintenance responsibilities that can be demonstrated to be permanent or transferable to another entity with equivalent longevity.

(8) Long-term operation and maintenance provisions, or the stormwater infrastructure, shall be documented in the restrictive covenants.

(9) Inspections of stormwater management facilities shall be conducted semi-annually by the owner/operator for serviceability and shall be documented. The owner/operator shall submit to Nolensville a report no later than the first day of July upon completion of construction, and then bi-annually during the life of the facility. The report shall include the facility's condition relative to the intent of the design and shall demonstrate that the owner/operator has fulfilled the funding mechanism requirement. Stormwater management facilities shall be inspected every five (5) years from the time of construction by an engineer. The inspection includes a certification by the engineer that the facility is functioning as intended, or shall provide a schedule of repairs and maintenance activities necessary to meet the intended use of the facility. (2002 Code, § 18-105)

18-106. Land disturbance permits. (1) Applicability. (a) Every owner/operator will be required to obtain a land disturbance permit from the town in the following cases:

(i) Activities resulting in greater than five thousand (5,000) square feet of land disturbance;

(ii) Whenever excavation, fill, or any combination thereof will exceed five hundred (500) cubic yards of material; and

(iii) Where land disturbance activities pose a threat to water, public health or safety.

(b) No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by these regulations.

(2) Land disturbance permit application. (a) Application for a land disturbance permit for subdivisions and non-residential sites that require a "Tennessee general permit for stormwater discharges from construction activities" shall require the following be submitted to the town for review and approval:

(i) The Notice of Coverage (NOC) received from TDEC for coverage under the "Tennessee general permit for stormwater discharges from construction activities;"

(ii) The Stormwater Pollution Prevention Plan (SWPPP) prepared for coverage under the "Tennessee general permit for stormwater discharges from construction activities" and consistent with the requirements and recommendations contained in the current edition of the *Tennessee Erosion and Sediment Control Handbook*;

(iii) Separate sheets, stamped by an engineer at a scale not to exceed one inch equal to fifty feet (1" = 50'), for pre-construction, construction, and post construction stormwater BMPs; and

(iv) Erosion prevention and sediment control plan checklist (see Appendix C).

(b) Application for a land disturbance permit for single lot residential sites that require a "Tennessee general permit for stormwater discharges from construction activities" shall require the following be submitted to the town for review and approval:

(i) The Notice of Coverage (NOC) received from TDEC for coverage under the "Tennessee general permit for stormwater discharges from construction activities;"

(ii) The stormwater pollution prevention plan prepared for coverage under the "Tennessee general permit for stormwater discharges from construction activities;"

(iii) Separate sheets, at a scale not to exceed one inch equal to fifty feet (1" = 50'), for pre-construction, construction, and post construction stormwater BMPs; and

(iv) Erosion prevention and sediment control plan checklist (see Appendix C).

(c) Application for a land disturbance permit on sites with land disturbance activities greater than five thousand (5,000) square feet but less than one (1) acre and does not require a "Tennessee general permit for stormwater discharges from construction activities" shall require the submittal to the town an erosion prevention and sediment control checklist (see Appendix C).

(d) Land disturbance activities shall meet the requirements and standards of the latest Tennessee construction general permit and shall include:

(i) For common drainage locations that serve an area with ten (10) or more acres (or five (5) or more acres if draining to waters with unavailable parameters or exceptional Tennessee waters) disturbed at one (1) time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of stormwater runoff from a two (2) year, twenty-four (24) hour storm from each acre drained, until final stabilization of the site; and

(ii) Stormwater management practices and controls to prevent waste, including discarded building material materials, concrete truck wash out, chemicals, litter and sanitary waste from entering the stormwater drainage system and waters of the state. (2002 Code, § 18-106)

18-107. Inspections. Inspections shall be performed to ensure that vegetation, erosion and sediment control measures and other protective measures identified in the Stormwater Pollution Prevention Plan (SWPPP) are kept in good and effective operating condition in accordance with the SWPPP.

(1) Owner/operator inspections. Inspections are required for all development requiring a land disturbance permit and:

(a) When inspections are already required under the conditions of the Tennessee construction general permit;

(b) The town may request submission of inspection documentation;

(c) Final Stormwater Management Control Measures (SCMs) must be inspected and certified that the SCMs are in accordance with the approved plans prior to certificate of occupancy.

Additional inspections for major and minor subdivisions, site plans or other major developments;

(d) Pre-construction SCMs must be inspected and certified that the SCMs are in accordance with the approved plans by an engineer, licensed in the State of Tennessee, on sites greater than one (1) acre or part of a larger development;

(e) Construction stormwater management SCMs must be inspected and certified that the SCMs are in accordance with the approved plans by an engineer, licensed in the State of Tennessee, prior to granting building permit on sites with land disturbance activities greater than one (1) acre;

(f) Post construction SCMs must be inspected and certified that the SCMs are in accordance with the approved plans by an engineer, licensed in the State of Tennessee, prior to release of surety; and

(g) Hard copy and digital as-built plans will be required in the State of Tennessee State Plane Coordinate system with the North American Datum 1983 (NAD83) and North American Vertical Datum (NAVD) of 1988.

(2) Town inspections. Town inspections may include, but are not limited to, the following:

(a) An initial inspection prior to stormwater pollution prevention plan approval;

(b) A bury inspection prior to burial of any underground drainage structure;

(c) Erosion prevention and sediment control inspections as necessary to ensure effective control of erosion and sedimentation;

(d) A final inspection when all work, including installation of storm management facilities, has been completed; and

(e) Periodic inspections to ensure stormwater facilities are being maintained. (2002 Code, § 18-107)

18-108. Enforcement. (1) Enforcement authority. The town shall have the authority to issue notices of violation, stop work orders, and citations, to impose the civil penalties provided in this section, and to institute appropriate actions or proceedings at law or equity for the enforcement of these regulations.

(2) Notification of violation. (a) Written notice. Whenever the town engineer, the director of codes compliance or his designee finds that any owner/operator, or any other person discharging stormwater, has violated, or is violating, these regulations or a permit or order issued hereunder, he may serve upon such person written Notice of the Violation (NOV). In addition to the NOV, whenever the town engineer, the director of codes compliance or his designee finds that any permittee, person, company or facility owning, occupying or operating on any premises has violated, or is violating, these regulations or a permit or order issued hereunder, he may revoke any permit issued by the town. Any permit mistakenly issued in violation of any applicable federal, state or local law or regulation may be revoked. Notice of such revocation shall be in accordance with the same notification requirements for NOVs.

Within a time limit established by 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 town. 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.

(b) Consent orders. The town engineer or director of codes compliance or his designee 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 subsections (2)(c) and (2)(e) below.

(c) Compliance order. When the town engineer or director of codes compliance or his designee finds that any person has violated or continues to violate these regulations, 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.

(d) Cease and desist orders. When the town engineer or director of codes compliance or his designee finds that any person has violated, or continues to violate, these regulations or any permit or order issued hereunder, he may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith;

(ii) 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; or

(iii) Conflicting standards. Whenever there is a conflict between any standard contained in these regulations and in the BMP manual adopted by the town pursuant to these regulations, the strictest standard shall prevail.

(e) Show cause hearing. The town engineer or director of codes compliance or his designee may order any person who violates these regulations 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 show cause hearing, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(3) Chronic violators. For chronic violators of the town's stormwater regulations and applicable stormwater requirements, the town shall pursue progressive enforcement in accordance with the Enforcement Response Plan (ERP) contained in Appendix A. Each violation will be tracked, incentives and/or disincentives will be applied, and the inspection frequency will increase. If corrected actions are not taken by the violator, the town will perform the necessary corrective action and assess the owner costs incurred for the corrective action. If the stormwater facility is located on public property or within public rights-of-way, the town will document with photographs, maintenance logs, contractor invoices, and in the tracking system, that appropriate maintenance and/or repairs have been completed. (2002 Code, § 18-108)

18-109. Authority of stormwater appeals board. (1) Pursuant to *Tennessee Code Annotated*, § 68-221-1106, the town hereby creates a board to hear and decide appeals of these stormwater regulations.

(a) Said board shall be called the "stormwater appeals board."

(b) The stormwater appeals board shall consist of five (5) members, appointed by the town mayor, subject to confirmation by the board of commissioners. Each member must be a resident of the town. There shall be one (1) member that is representative of the following groups if available:

- (i) Member of the board of commissioners;
- (ii) Current home owner;
- (iii) Member of the profession of engineering;
- (iv) Member of the profession of agriculture; and

(v) Member of the residential/commercial development community.

(c) Each member shall be appointed to a term of three (3) years, with the first term of members from subsections (1)(a) through (1)(c) lasting two (2) years, and the first term of members from subsections (1)(d) through (1)(e) lasting three (3) years. Thereafter the term of each member shall be three (3) years, except the member of the board of commissioners, whose term shall run concomitant with his/her elected term of office.

(d) The stormwater appeals board shall meet as needed.

(e) Each meeting of the stormwater appeals board shall be memorialized in a set of minutes that will be kept in a well-bound book by the town engineer.

(f) The stormwater appeals board is hereby authorized to hear and decide appeals of any order, decision or ruling of the town engineer or codes official or his designee issued pursuant to these regulations. Following the hearing on an application for appeal, the stormwater appeals board may affirm, reverse, modify or remand for more information, the order, decision or ruling of the town engineer or codes official or his designee. In no event shall the stormwater appeals board issue a decision that in any way conflicts or contradicts these regulations or any other federal, state or local laws or regulations relating to stormwater, wastewater, codes, or zoning or planning.

(2) Any person aggrieved by the imposition of a civil penalty, damage assessment, or decision by the town engineer, town code official or his/her designee, as provided by these regulations, may appeal said penalty, damage assessment, or decision to the stormwater appeals board, created pursuant to these regulations.

(3) The appeal shall be in writing and filed along with a non-refundable application fee of one hundred dollars (\$100.00) with the town engineer within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(4) Upon receipt of an appeal, the stormwater appeals board shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a newspaper of general circulation. Ten (10) days' notice by registered mail shall also be provided to the appellant, such notice to be sent to the address provided by the appellant on the notice of appeal. The decision of the stormwater appeals board shall be final.

(5) Appealing decisions of the stormwater appeals board. Any alleged violator may appeal a decision of the stormwater appeals board pursuant to the provisions of *Tennessee Code Annotated*, title 27, chapter 8. (2002 Code, § 18-110)

18-110. Administration and miscellaneous. (1) In order that stormwater quality and quantity may be managed in accordance with these purposes and policies, these regulations are hereby adopted.

(2) Should any article, section, subsection, clause or provision of this stormwater management regulation be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulation as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid, each article, section, clause and provision being declared severable.

(3) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for promotion of the public health, safety and general welfare.

(4) It is established that these regulations are not intended to interfere with, abrogate or annul any regulations, statutes, or laws. In any case where these regulations impose restrictions different from those imposed by any other provision of these regulations, or any other regulation, law or statutes, whichever provisions are more restrictive or impose higher standards shall control.

(5) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in § 18-111.

Where words within these regulations have not been defined, the standard dictionary definition shall prevail.

(6) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words in the plural include the singular; words used in the masculine include the feminine. (2002 Code, § 18-111)

18-111. Definitions. (1) "Agricultural land management activities." The practice of cultivating the soil, producing crops, and raising livestock for the preparation and marketing of the resulting products.

(2) "As-built plans." Drawings depicting conditions as they were actually constructed.

(3) "Base flood." The flood having a one percent (1%) chance of being equaled or exceeded in any given year. While this statistical event may occur more frequently, it is also known as the "100-year or regulatory flood event."

(4) "Base site area." The area of a site, as determined by an actual on-site survey, within a single zoning district (if more than one (1) district is present they should be treated as separate parcels) unless:

- (a) Any land within the ultimate right-of-way of existing roads;
- (b) Existing utility rights-of-way for pipelines or high tension

lines;

(c) Any land which has been cut-off from the main parcel by a highway, rail-line, or stream so that common access and use is impossible, and where separate use is not feasible;

(d) Any land which is subject to any covenants, easements, or restrictions against building except for areas included solely in either stream, drainageway, floodplain, or wetland preservation and/or restoration easements that are held in perpetuity by a non-profit organization or agency with IRS § 501(c)(3), being 26 U.S.C. § 501(c)(3), status devoted to such matters; and

(e) Any required bufferyards.

(5) "Best Management Practice (BMP)." This may refer collectively or specifically to a structural or non-structural practice intended to address water quantity or quality to meet the requirements of the stormwater management regulations.

(6) "BMP treatment train." A technique for progressively selecting various stormwater management practices to address water quality, by which groups of practices may be used to achieve a treatment goal while optimizing effectiveness, maintenance needs and space.

(7) "Bridge." A man-made conveyance to allow passage of stormwater flows.

(8) "Building." A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

(9) "Channel." A natural or artificial watercourse of perceptible extent, with definite bed and banks to convey continuously or periodically flowing water. "Channel flow" is that water flowing within the limits of the defined channel.

(10) "Clearing." To remove vegetation, trees, debris, or structures.

(11) "Critical area." A site subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil; a site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure, and other conditions.

(12) "Critical service roads." Designated county evacuation routes, or other access to police, fire, emergency medical services, hospitals, or shelters.

(13) "Cross-drain." A culvert used to convey flow under a road or other obstruction between channels or surface flow.

(14) "Culvert." A man-made conveyance for stormwater flows. This may include a pipe or other constructed conveyance.

(15) "Cut." Portion of land surface or area from which earth has been removed, or will be removed, by excavation; the depth below original ground surface to the excavated surface.

(16) "Design storm event." A hypothetical storm event of a given frequency interval and duration, used in the analysis and design of stormwater management facilities.

(17) "Detention." The temporary delay of storm runoff prior to discharge into receiving waters with the use of a pond and outlet control structure.

(18) "Developer." Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to effect development of land for himself or others. This includes any legal or engineering representative of the "developer."

(19) "Development." Any man-made change to improved or unimproved real property, including, but not limited to, buildings, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials (as defined as materials of like nature stored in whole, or in part, for more than six (6) months).

(20) "Discharge." To 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.

(21) "Drainage basin." A part of the surface of the earth that is occupied by, and provides surface water runoff into, a stormwater management system (MS4 or waters of the state), which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

(22) "Engineer." An engineer duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of civil engineering.

(23) "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, anthropogenic (changes in nature caused by people) activities or effects.

(24) "Erosion prevention." Practices implemented to prevent, through shielding, binding or other mechanism(s), the suspension of soil particles, often associated with erosion prevention and sedimentation control.

(25) "Erosion Prevention and Sediment Control (EP&SC)." See "erosion prevention" and "sediment control."

(26) "Excavation." See "Cut."

(27) "Exceptional Tennessee waters." Surface waters designated by the division as having the characteristics set forth at Tennessee Rules, chapter 0400-40-03-.06(4). Characteristics include waters within parks or refuges; scenic rivers; waters with threatened or endangered species; waters that provide specialized recreational opportunities; waters within areas designated as lands unsuitable for mining; waters with naturally reproducing trout; waters with

exceptional biological diversity and other waters with outstanding ecological or recreational value.

(28) "Existing construction." Any structure for which the "start of construction" commenced before the effective date of these regulations.

(29) "Existing grade." The slope or elevation of existing ground surface prior to cutting or filling.

(30) "Fill." Portion of land surface or area to which soil, rock, or other materials have been, or will be, added; height above original ground surface after the material has been, or will be, added.

(31) "Finished grade." The final slope or elevation of the ground surface, after cutting or filling.

(32) "Flood or flooding." Water from a river, stream, watercourse, lake, or other body of standing water that temporarily overflows and inundates adjacent lands and which may affect other lands and activities through increased surface water levels, and/or increased groundwater levels, and high water velocities.

(33) "Flood Insurance Rate Map (FIRM)." An official map of the town, on which the federal emergency management agency has delineated both the areas of special flood hazard and the risk premium zones applicable to Nolensville.

(34) "Flood insurance study." The official report provided by the federal emergency management agency. The report contains elevations of the base flood, floodway widths, flood velocities, and flood profiles.

(35) "Floodplain." The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been, or may be, covered temporarily by floodwater. For purposes of these regulations, the "floodplain" is defined as the 100-year floodplain having a one percent (1%) chance of being equaled or exceeded in any given year.

(36) "Floodproofing." A combination of structural or non-structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

(37) "Floodway." That portion of the stream channel and adjacent floodplain required for the passage or conveyance of a 100-year flood discharge. The floodway boundaries are placed to limit encroachment in the floodplain so that a 100-year flood discharge can be conveyed through the floodplain without materially increasing (less than one foot (1')) the water surface elevation at any point, and without producing hazardous velocities or conditions. This is the area of significant depths and velocities, and due consideration should be given to effects of fill, loss of cross sectional flow area and storage, and resulting increased water surface elevations.

(38) "Floodway fringe." That portion of the floodplain lying outside the floodway.

(39) "Floor." The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(40) "Flow attenuation." To lessen the volume, stage, discharge rate, or velocity of the stormwater runoff.

(41) "Grading." Any operation or occurrence by which the existing site elevations are changed; or where any ground cover, natural or man-made, is removed; or any watercourse or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. This includes stripping, cutting, filling, stockpiling, or any combination thereof, and shall apply to the land in its cut or filled condition. Grading activities may only be performed with a land disturbance permit from the town and TDEC for disturbed areas greater than one (1) acre.

(42) "Green Infrastructure (GI)." Green infrastructure utilizes vegetation, soils, and natural processes to manage stormwater runoff and create healthier urban environments.

(43) "Historic structure designation." Any structure that is: listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the secretary to qualify as a registered historic district; or listed individually on a state or local inventory of historic places which have been approved by the Secretary of the Interior.

(44) "Hot spot." An area where land use or activities generate highly contaminated stormwater runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(45) "Illicit connection." Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

(46) "Illicit discharge." Defined at 40 CFR § 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from firefighting activities.

(47) "Impervious cover." A term applied to any ground or surface that water cannot infiltrate, or through which water infiltrates with great difficulty.

(48) "Intermittent stream." Natural or man-made watercourses which cease to flow for sustained periods during a normal rainfall year (typically during the later summer through the fall months). The groundwater table elevation is typically less than the invert of the stream.

(49) "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.

(50) "Low Impact Development (LID)." An approach to land development (or re-development) that works with nature to manage stormwater runoff as close to its source as possible. LID employs principals such as preserving natural landscape features, minimizing impervious area, and creating functional and appealing site drainage that treats stormwater runoff as a resource.

(51) "Maintenance." Any activity necessary to keep a stormwater management facility in good working order so it will function as designed. "Maintenance" shall include complete reconstruction of a stormwater management facility if reconstruction is required in order to restore the facility to its original operational design parameters. "Maintenance" shall also include the correction of any problem on the site, including the location of the stormwater management facility, that directly impairs the functions of the stormwater management facility.

(52) "Municipal Separate Storm Sewer System (MS4)." Defined in 40 CFR § 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(a) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by, or pursuant to, state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (CWA) that discharges to waters of the state;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not a combined sewer; and

(d) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR § 122.2.

(53) "New construction." Structures for which the "start of construction" commenced on, or after, the effective date of these regulations or revisions to these regulations. The term also includes any subsequent improvements to such structures.

(54) "Nonpoint source." Any source of pollutant(s) that is not a point (concentrated) source. Examples are sheet flow from pastures and runoff from paved areas or any area with the potential to contribute pollutants to the receiving streams or water bodies.

(55) "NPDES permit." National pollution discharge elimination system permit issued pursuant to 33 U.S.C. § 1342.

(56) "NRCS National Resources Conservation Service." Formally Soil Conservation Service.

(57) "100-year flood." A flood that has an average frequency of occurrence of once in one hundred (100) years, determined from an analysis of floods on a particular watercourse and other watercourses in the same general region. Statistically, it has a one percent (1%) chance of occurring in any given year. See "base flood."

(58) "Owner/operator." 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 that holds property, or performs land disturbance activities.

(59) "Passive recreational activities." Including, but not limited to, parks, areas for hiking, arboretums, nature areas, wildlife sanctuaries, picnic areas, garden plots, cemeteries and beaches.

(60) "Perennial streams watercourses." Watercourses that generally flow year-round but may go dry in drought years.

(61) "Permittee." Any person, firm, or any other legal entity to whom a site disturbance, grading, building or other related permit is issued in accordance with the town regulations.

(62) "Point source." Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

(63) "Redevelopment." Development improvements that have a value less than fifty percent (50%) of the current assessed value and/or increases the floor area by less than twenty-five percent (25%). Demolition and reconstruction is considered development and not redevelopment. Note: this is different from significant redevelopment.

(64) "Regional stormwater management facility." A device or management practice typically, but not always, a detention or retention pond, with a tributary area with more than one (1) development site. This may be multiple homogenous land use areas or an area of various land uses.

(65) "Retention." The prevention of storm runoff from direct discharge into receiving waters. Examples include systems which discharge through percolation, infiltration, filtered bleed-down and evaporation processes.

(66) "SCS." Soil conservation service.

(67) "Sediment." Solid material, both mineral and organic, that is in suspension, being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

(68) "Sediment control." Practices implemented to manage through filtering, settling or other mechanism(s) to remove suspended particles (soil,

organic or mineral) from water, often associated with erosion prevention and sedimentation control.

(69) "Significant redevelopment." Development improvements that have a value greater than fifty percent (50%) of the current assessed value, increases the floor area twenty-five percent (25%) or more, any change in the impervious surface area, redirects the flow of stormwater in any way, modifies the storm sewer system, or changes stormwater characteristics. Demolition and reconstruction is considered development and not redevelopment. Note: this is different from redevelopment.

(70) "Site." All contiguous land and bodies of water in one (1) ownership graded, or proposed for grading or development, as a unit, although not necessarily at one (1) time.

(71) "Slope." Degree of deviation of a surface from the horizontal, usually expressed in percent or ratio.

(72) "Small municipal separate storm sewer system." Defined in 40 CFR § 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by, or pursuant to, state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (CWA) that discharges to waters of the state, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

(73) "Stormwater." Defined in 40 CFR § 122.26(b)(13) and means stormwater runoff, snow melt runoff, and surface runoff and drainage.

(74) "Stripping." Any activity that removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

(75) "Structure." See "Building."

(76) "Tributary area." The drainage area upstream of a specified point including all overland flow that directly or indirectly connects down-slope to the specified point.

(77) "Waters of the state." All water, public or private, on or beneath the surface of the ground, except those bodies of water retained within single ownership which do not join with natural surface or underground waters.

(78) "Waterway natural area." A strip of undisturbed native vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, wetlands, and springs.

(79) "Wet weather conveyance." Man-made or natural watercourses that flow only in direct response to precipitation runoff in their immediate

locality, and whose channels are above the groundwater table, and which do not support fish and aquatic life.

(80) "Wetland." Those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typical to life in saturated soil conditions. "Wetlands" generally include, but are not limited to, swamps, marshes, bogs and similar areas. (2002 Code, § 18-112, modified)

18-112. Violations and penalty. Any person who shall commit any act declared unlawful under these regulations, who violates any provision of these regulations, who violates the provisions of any permit issued pursuant to these regulations, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the town engineer or director of codes compliance or his designee, shall be guilty of a civil offense.

(1) Applicability. Under the authority provided in *Tennessee Code Annotated*, § 68-221-1106, the town declares that any person violating the provisions of these regulations may be assessed a civil penalty by the town engineer or director of codes compliance or his designee of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation. The penalties may be assessed beyond schedules applied in a NOV or other schedules issued to the property owner, or other person responsible for unauthorized activity defined in these regulations.

(2) Measuring civil penalties. In assessing a civil penalty, the town engineer or director of codes compliance or his designee may consider:

- (a) Harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) Economic benefit gained by the violator;
- (d) Amount of effort put forth by the violator to remedy this violation;
- (e) Unusual or extraordinary enforcement costs incurred by the municipality;
- (f) Amount of penalty established by ordinance or resolution for specific categories of violations; and
- (g) Equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(3) Recovery of damages and costs. The town may recover damages and costs in addition to civil penalties.

- (a) The town may recover all damages proximately caused by the violator, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, these regulations, or any other actual damages caused by the violation.

(b) The town may recover the costs for maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by these regulations.

(c) In the event that there are penalties assessed by the state against the town caused by, or as a result of, the act or omission of any person, company or facility, said person, company or facility shall be assessed the equivalent amount of such penalty. This shall include, but is not limited to, penalties for improper disposal or illegal dumping, or illicit connection into the municipal separate storm sewer system.

(d) If corrective action, including maintenance delinquency, is not taken in the time specified, or within a reasonable time if no time is specified, the town may undertake corrective action, and the cost of such corrective action shall be the responsibility of the person, company, facility, owner and/or developer. The cost of abatement and restoration shall be borne by the owner of the property, with such costs invoiced to the owner of the property. If said invoice is not paid within ninety (90) days of receipt of such invoice, the town shall have the authority to place a lien upon, and against, the property. If the lien is not removed within ninety (90) days, the town is authorized to take all legal action necessary to enforce the lien as a judgment, including, without limitation, enforcing the lien in an action brought in a court of competent jurisdiction.

(4) Other remedies. The town may bring legal action to enjoin the continuing violation of these regulations, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

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

(6) Emergency orders and abatement. The town engineer or director of codes compliance or his designee may order the abatement of any discharge from any source to the stormwater conveyance system when, in the opinion of the town engineer or director of codes compliance or his designee, the discharge causes, or threatens to cause, a condition which presents an imminent danger to the public health, safety or welfare, or the environment, or a violation of the NPDES permit. In emergency situations where the property owner, or other responsible party, is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety or welfare, or the environment or a violation of the NPDES permit, the town may perform, or cause to be performed, such work as shall be necessary to abate said threat or danger. The costs of any such abatement shall be borne by the property owner and shall be collected in accordance with the provisions herein. (2002 Code, § 18-109)

CHAPTER 2

BEST MANAGEMENT PRACTICES MANUAL

SECTION

18-201. Best Management Practices Manual.

18-201. Best Management Practices Manual. The *Best Management Practices Manual* for the Town of Nolensville is hereby adopted by reference (Ord. #06-26, Dec. 2006) as if fully set out herein. It can be viewed in its entirety in the office of the town recorder.

CHAPTER 3

SEWER CONNECTION REQUIREMENTS

SECTION

18-301. Sewer requirements.

18-302. Sewer service charge.

18-301. Sewer requirements. In accordance with *Tennessee Code Annotated*, § 68-221-209, upon completion of the sewer system as provided in Res. #09-21, any person or persons, or entities, owning improved parcels contiguous to public rights-of-way and/or public utility easements containing public sanitary sewers shall make connection to the public infrastructure in accordance with metro water and sewer department's current specifications and sewer acceptability policy. This must be accomplished within sixty (60) days of being notified by the Town of Nolensville to do so unless otherwise notified by the director of metro water and sewer department. Any required fees and service charges will be billed on the next billing cycle. This schedule may be shortened if an existing condition is a threat to public health and safety. (2002 Code, § 18-401)

18-302. Sewer service charge. Properties having direct access to either a gravity sewer line or to a collector force main will be billed for sewerage service, in accordance with the Metropolitan Code of Laws § 15.44, whether or not a connection is made. Therefore, properties having previously been granted an exemption from this charge solely on the basis of not having gravity access will become subject to the charge once access is provided. Exemptions from sewer service charges previously granted for any other reason will not be affected by this provision. (2002 Code, § 18-402, modified)