

## TITLE 18

WATER AND SEWERS

## CHAPTER

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## CHAPTER 1

WATER AND SEWER ADMINISTRATION

## SECTION

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18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1985 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group. (1985 Code, § 13-102)

18-103. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the town to the applicant shall be limited to the return of any deposit made by such applicant. (1985 Code, § 13-103)

18-104. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1985 Code, § 13-104)

18-105. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1985 Code, § 13-105)

18-106. Meter tests. The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The town will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$ 12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1985 Code, § 13-106)

18-107. Schedule of rates. The rate schedule for water service for the town water utility shall be as follows:

Tap fees:

<u>Size</u>	<u>Fee</u>
5/8"	\$900.00
3/4"	\$900.00
1"	\$1,100.00
2"	\$3,000.00

Town of Signal Mountain Water Service Rates

Inside Town Limits

Non-refundable service activation fee	\$50.00
Monthly (or portion thereof) service fee - all meters	\$6.00
Water usage charge (per 1,000 gallons)	\$6.67

## Outside Town Limits

Non-refundable service activation fee	\$60.00
Monthly (or portion thereof) service fee - all meters	\$7.20
Water usage charge (per 1,000 gallons)	\$8.00

Fees resulting from delinquent bill fees:

<u>Action</u>	<u>Fee</u>
Late fee after due date	10%
Turning water back on	\$25.00
Locking or pulling meter	\$50.00
Turning water on after hours	\$100.00

Other fees:

<u>Action/Service</u>	<u>Fee</u>
Same day service activation	\$25.00 plus normal activation fee
Credit/debit card fee	3.5%
Portable meter/pool fill	\$50.00 plus water usage
Portable meter usage - contractor	\$50.00 per week plus water usage
Returned check/declined ACH	\$35.00
Turn water back on (e.g. yard meter)	\$25.00

(1985 Code, § 13-107, as replaced by Ord. #2006-21, Sept. 2006, amended by Ord. #2008-15, Dec. 2008, replaced by Ord. #2009-13, June 2009, amended by Ord. #2009-18, Sept. 2009, Ord. #2011-3, April 2011, and Ord. #2012-2, Jan. 2012, replaced by Ord. #2019-05, April 2019 **Ch19\_8-26-19** and Ord. #2020-08, July 2020 **Ch20\_06-28-21**, and amended by Ord. #2021-05, May 2021 **Ch20\_06-28-21**)

18-108. Access to customer's premises. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing,

inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1985 Code, § 13-108)

18-109. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1985 Code, § 13-109)

18-110. Supply and resale of water. All water shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the town. (1985 Code, § 13-110)

18-111. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (1985 Code, § 13-111)

18-112. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the town.

All private fire hydrants shall be sealed by the town, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the town a written notice of such occurrence. (1985 Code, § 13-112)

18-113. Damages to property due to water pressure. The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (1985 Code, § 13-113)

18-114. Restricted use of water. In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1985 Code, § 13-114)

18-115. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1985 Code, § 13-115)

18-116. Water distribution installation restrictions. The following restrictions shall apply to water distribution installations within the Town of Signal Mountain water service area:

(1) Water service line definition. For the purpose of this section, a "water service line" shall be the water pipe which begins at the water meter and extends to a point within the foundation walls of the house, at which point a pressure regulator is placed.

(2) Water service line material All water service line material shall be either type "L" or "K" copper pipe or Blue PEX (grade "A" polyethylene with ultraviolet protection) with brass fittings. PEX service lines should be installed with a "tracer wire" to facilitate future water line location/detection. All service line must be no smaller than three quarter inch (3/4") in size, must be installed at a minimum depth of twenty four inches (24") and must be covered with clean soil or other suitable material.

(3) Water service control. Each building shall have a separate water control valve, independent of the meter valve. Each apartment or store in a building shall have a separate independent control valve or individual fixture control valve controlling all the fixtures in such apartment or store. Main control valve(s) shall be located at or near the foundation line and shall be a minimum of three quarter-inch (3/4"), full flow gate or ball.

(4) Drain valve. Drain valve shall be installed on both hot and cold water distribution system at the lowest point for the purpose of winterization or repair of system. Drain valve shall be gate or ball and the same size as the line it drains.

(5) Demand load. The demand load in the building water service line shall be based on the number and kind of fixtures installed and the probable simultaneous use of these fixtures. If flushometers or other devices requiring a high rate of water flow are used, the water service pipe shall be sized to supply this flow.

(6) Sizing the water distribution system of a building. The sizing of the water distribution system shall conform to good engineering practice.

(7) Size of fixture supply. The minimum size of a fixture supply pipe from the rise or main to the wall opening shall be as follows:

<u>Type of Fixture or Device</u>	<u>Pipe Size (inches)</u>
Bath tubs	1/2
Hot tubs	3/4
Combination sink	1/2
Drinking fountain	3/8
Dishwater	1/2
Hot water heaters (hot & cold)	3/4 minimum
Washing machine	1/2
Laundry tub	1/2
Kitchen sinks, residential	1/2
Lavatory	1/2
Shower (single head)	1/2
Urinal (direct flush valve)	3/4
Water closet (tank type)	1/2
Water closet (flush valve type)	1
Hose bibbs	1/2

\* A group of not more than two (2) fixtures shall be connected to a half-inch (1/2") cold water supply.

\*\* Commercial, business and office district fixtures or devices and pipe size must be based on the required demand.

(8) Hazard and noise. Water pipe installations shall be adequately protected from water hammer by use of air chambers or other approved devices. Air chambers shall be installed in such manner that will permit draining without disconnecting fixture supply. Air chambers shall be not less than a 12-inch length of pipe one size larger than the pipe it serves or 18 inches on same size pipe serving the fixture.

(9) Water regulator and strainer. All water services shall have an approved water pressure regulator with a strainer conforming to A.S.S.E. 1003. (Ord. #87-6, May 1987, as amended by Ord. #95-16, § 1, Dec. 1995 and Ord. #2015-06, Sept. 2016)

## CHAPTER 2

PUBLIC SEWER USE AND COST RECOVERY SYSTEM

## SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Connection to public sewers.
- 18-204. Private domestic wastewater disposal.
- 18-205. Regulation of holding tank waste disposal.
- 18-206. Application for domestic wastewater and industrial wastewater permit.
- 18-207. Discharge regulations.
- 18-208. Industrial user monitoring, inspection reports, records access, and safety.
- 18-209. Enforcement and abatement.
- 18-210. Penalty; costs.
- 18-211. Fees and billing.

18-201. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the Town of Signal Mountain, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health.
- (2) To provide problem free wastewater collection and treatment service.
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, will cause the town's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or will cause physical damage to the wastewater treatment facilities.
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system.
- (5) To enable the Town of Signal Mountain to comply with the provisions of the Federal Clean Water Act, the General Treatment Regulations (40 CFR Part 403), and other applicable federal and state laws and regulations.
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, the chapter provides that all persons in the service area in the Town of Signal Mountain must have adequate wastewater treatment, either in the form of a connection to the municipal wastewater system or where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for

monitoring enforcement activities; and for setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the Town of Signal Mountain, Tennessee, and to persons outside the town who are, by contract or agreement with the town users of the municipal wastewater treatment system. Except as otherwise provided herein, the director of public utilities of the Town of Signal Mountain shall administer, implement, and enforce the provisions of this chapter. (1985 Code, § 13-201)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or "The Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

(2) "Approval authority." The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation.

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(5) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(6) "Categorical standards." National categorical pretreatment standards or pretreatment standard.

(7) "Compatible pollutant." Shall mean BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(8) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is lead.

(9) "Control authority." The term "control authority" shall refer to the "approval authority" defined hereinabove; or the director of public utilities if the town has an approved pretreatment program under the provisions of 40 CFR, 403.11.

(10) "Customer." Means any individual, partnership, corporation, association, or group who receives sewer service from the town under either an express or implied contract requiring payment to the town for such service.

(11) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(12) "Director." The person designated by the town to supervise the operation of the publicly owned treatment works (POTW), and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(13) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only.

(14) "Environmental Protection Agency, or EPA." The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(15) "Garbage." Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(16) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(17) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(18) "Incompatible pollutant." Shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(19) "Indirect discharge." The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(20) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. 1342).

(21) "Interference." The inhibition or disruption of the municipal wastewater treatment process or operations which contributes to a violation of

any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the solid waste disposal act (SWDA), the clean air act, the toxic substances control act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(22) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (C) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(23) "NDPES (Natural pollutant discharge elimination system)." Shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the federal water pollution control act as amended.

(24) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307 (c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(25) "Person." Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(26) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(27) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(28) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(29) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological

processes, or process changes other means, except as prohibited by 40 CFR section 40.36(d).

(30) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(31) "Publicly owned treatment works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plants, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town of Signal Mountain who are, by contract or agreement with the town users of the town's POTW.

(32) "POTW Treatment Plant." That portion of the POTW designed to provide treatment to wastewater.

(33) "Shall" is mandatory; "May" is permissive.

(34) "Slug." Shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation of any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(35) "State." Means the State of Tennessee.

(36) "Standard industrial classification (SIC)." A classification pursuant to the standard industrial classification manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(37) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(38) "Storm sewer or storm drain." Shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the director of public utilities.

(39) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(40) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA (309(a)) or other acts.

(41) "Town." The Town of Signal Mountain or the Town Council, Town of Signal Mountain, Tennessee.

(42) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a 24-hour period

in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(43) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

(44) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(45) "Wastewater treatment systems." Defined the same as POTW.

(46) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (1985 Code, § 13-202)

18-203. Connection to public sewers. (1) Requirements for proper wastewater disposal.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the Town of Signal Mountain, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the Town of Signal Mountain any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) Except as provided in paragraph 18-203(1)(e) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the building drain as defined herein.

(e) The owner of a manufacturing facility may discharge wastewater into the waters of the state provided that he obtains a NPDES permit and meets all requirements of the federal clean water act,

the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of paragraph 18-203(1)(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of section 18-206 of this chapter.

(2) Physical connection to public sewer. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the director of public utilities as required by section 18-206 of this chapter.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear buildings and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the director of public utilities to meet all requirements of this chapter. All others must be sealed to the specifications of the director.

(e) Building sewers shall conform to the following requirements:

(1) The minimum size of a building sewer shall be four (4) inches.

(2) The minimum depth of a building sewer shall be eighteen (18) inches.

(3) Four (4) inch building sewers shall be laid on a grade no less than 1/8 inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full at least 2.0 feet per second.

(4) Slope and alignment of all building sewers shall be neat and regular.

(5) Building sewers shall be constructed only of:

(a) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type.

(b) Cast iron soil pipe with leaded or compression joints.

(c) Polyvinyl chloride pipe with solvent welded or with rubber compression joints.

(d) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type.

(e) Such other materials of equal or superior quality as may be approved by the director. Under no circumstances will cement mortar joints be acceptable.

(6) A cleanout shall be located three (3) feet outside of the building, one as it taps on to the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

(7) Connections of building sewers to the public sewer system shall be made the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the director. All such connections shall be made gastight and watertight.

(8) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

All sewer grinder pumps, to elevate sewage, shall be placed, or located, outside, and away from, any building or structure.

(9) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirement of the building and

plumbing code or other applicable rules and regulations of the town or to the procedures set forth in the appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

(10) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected by the town building inspector and the inspector for the POTW before the underground portion is covered by the director or his authorized representative. No final plat approval for any subdivision shall be granted by the town planning commission for any subdivision until the connection to the public sewer main has been inspected and approved by the town building inspector and the inspector for the POTW.

(b) The applicant for discharge shall notify the director and the town manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his representative and the town building inspector or other designee of the town manager.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line to the public sewer main line as deemed necessary by the director of the POTW or the town manager to meet the specifications of the town. (1985 Code, § 13-203, as amended by ord. No. 92-15, as amended by Ord. #2007-8, May 2007)

18-204. Private domestic wastewater disposal.

(1) Availability. (a) Where a public sanitary sewer is not available under the provisions of section 18-202(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain in below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in section 18-203, the owner shall provide a private sewage pumping station as provided in section 18-203(2)(e)(8).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Hamilton County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the Hamilton County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Hamilton County Health Department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Hamilton County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Hamilton County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Hamilton County Health Department.

(d) The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Tennessee and the Hamilton County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(f) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Hamilton County Health Department. (1985 Code, § 13-204)

18-205. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic

tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the director to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the director when the conditions of this chapter have been met and providing the director is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter, an annual service charge therefore shall be paid to the town to be set as specified in section 18-211. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable.

(3) Designated disposal location. The director shall designate approved locations for the emptying of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the director. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank or wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Town of Signal Mountain. (1985 Code, § 13-205)

18-206. Application for domestic wastewater discharge and industrial wastewater permit. (1) Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the director for written authorization to discharge to the town's wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the director, the building sewer is installed in accordance with section 18-203 of this chapter and an inspection has been performed by the director or his representative.

The receipt by the town of a prospective customer's application for service shall not obligate the town to render the service. If the service is applied for cannot be supplied in accordance with this chapter, and the town's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service,

except that conditional waivers for additional services may be granted by the director for interim periods if compliance may be assured within a reasonable period of time.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW within 180 days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(1) Users required to obtain a wastewater discharge permit shall complete and file with the director application in the form prescribed by the director, and accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.

(2) The application shall be in the prescribed form of the town and shall include, but not be limited to the following information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the director.

(3) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the director for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the state of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(4) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall

include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard" shall include either a national pretreatment standard imposed by section 18-207 of this chapter.

(5) The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater discharge permit subject to terms and conditions provided herein.

(6) The receipt by the town of a prospective customer's application for wastewater discharge permit shall not obligate the town to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the town's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the town to the applicant of such service.

(7) The director will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the director that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the director, the director shall submit the application to the commissioner of public utilities and the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the town. Permits may contain the following:

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.

(2) Limits on the average and maximum wastewater constituents and characteristics.

(3) Limits on average and maximum rate and time of discharge or requirements and equalization.

(4) Requirements for installation and maintenance of inspections and sampling facilities.

(5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule.

(6) Compliance schedule.

(7) Requirements for submission of technical reports or discharge reports.

(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording town access thereto.

(9) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(10) Requirements for notification of slug discharged.

(11) Other conditions as deemed appropriate by the town to insure compliance with this chapter.

(d) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the director within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by section 18-206(2)(b)(2) and (3). The terms and conditions of the permit may be subject to modification by the director during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified suspended, or revoked, in whole or in part during its term for cause including, but not limited to, the following:

(1) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(4) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use related to this chapter or the town's or user's NPDES permit. Provided, however, that such portion of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the director as confidential shall not be transmitted to any governmental agency or to the general public by the director until and unless prior and adequate notification is given to the user. (1985 Code, § 13-206)

18-207. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the

Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides, and sulfides or any other substances which the town, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2) in any dimension, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes.

(c) Any wastewater having a pH less than 5.0 higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutant, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in a non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the solid waste disposal act, the clean air act, the toxic substances control act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°c (104° F).

(j) Any pollutants, including oxygen demanding pollutants (B.O.D., etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.

(l) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at a temperature between thirty-two (32) or one hundred fifty degrees (150°) F (0 and 65° C).

(o) Any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the director and the Tennessee Department of Public Health, to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A - User Discharge Restrictions

<u>Pollutant</u>	<u>Daily Average* Maximum Concentration (mg/l)</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>
Antimony	5.0	8.0
Arsenic		
Cadmium		
Chromium (total)		
Copper		
Cyanide		
Lead		
Mercury		
Nickel		
Pesticides & Herbicides		
Phenols		
Selenium		
Silver		
Surfactants, as MBAS		
Zinc	3.0	5.0

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\* Based on 24-hour flow proportional composite samples.

(3) Protection of treatment plant influent. The director shall monitor the treatment works influent for each parameter in the following table. (Table B - Plant Protection Criteria) industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set for in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the director shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The director shall also recommend changes to any of these criteria in the event that: that POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes as needed for more effective operation of the POTW.

Table B - Plant Protection Criteria

Parameter	Maximum Concentration mg/l (24-hour flow) Proportional Composite Sample	Maximum Daily Concentrations (mg/l)
Aluminum		
dissolved (AL)	3.00	250
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.06	1.0
Barium (Ba)		5.0
Boron (b)		500.0
Cadmium (Cd)		0.01
Chromium (Total)		3.0
Cobalt (Co)		10.0
Copper (Cu)		1.0
Cyanide (CN)		0.05
Fluoride (F) (Solible)		20.0
Iron (Fe)		10.0
Lead (Pb)		0.1
Manganese (Mn)		10.0
Mercury (hg)		0.5
Nickel (Ni)		3.0
Pesticides & Herbicides		
Phenols		1.0
Selenium (e)		0.01
Silver (Ag)		0.05
Sulfide		
Zinc (Zn)	0.3	2.0
Total Kjeldahl Nitrogen (TKN)	45.0	
Oil & Grease	50.0	
MBAS	5.00	
BOD	*	
COD	*	
Suspended Solids	*	40

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\* Not to exceed the design capacity of treatment works.  
BDL = Below Detectable Limits.

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The director shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the director from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Public Health and/or the United States Environmental Protection Agency.

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the town and any user of the wastewater treatment system whereby wastewater of unusual strength of character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the town and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(7) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in section 18-207(1) and (2) of this chapter. Exceptions can be granted according to the following guidelines:

The director shall allow applications for temporary exceptions at any time. However, the director shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the town.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the town in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the director upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

- (1) Interfere with the normal collection and operation of the wastewater treatment system.
- (2) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.
- (3) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its enforced federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(c) Review of the application by the director. All applications for an exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation, the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the director to correct such deficiencies. This thirty (30) day period may be extended by the town upon application and for just cause shown. Upon receipt of a complete application, the director shall evaluate same within thirty (30) days, shall submit his recommendations to the town council at the next regularly scheduled meeting.

(d) Review of application by the town. The town shall review and evaluate all applications for exceptions and shall take into account the following factors:

- (1) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in section 18-207 and grant an exception only

if such exception may be granted within limitations of applicable federal regulations.

(2) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations.

(3) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(4) The cost of pretreatment of other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting and exception.

(5) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

(6) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(7) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(e) Accidental discharge. (1) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from implant transfer or processing and materials handling areas, and from dikes areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities, establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the director before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(2) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the director (or his designated official) by telephone to enable countermeasures to be taken by the director to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve the user of liability for any expense loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1985 Code, § 13-207)

18-208. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the director.

When, in the judgment of the director, there is a significant different in wastewater constituents and characteristics provided by different operations of a single user the director may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by the user. If sampling or metering equipment is also required by the director, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The director may, however, when such a location would be impractical or cause undue hardship on the user, allow the

facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of sampling for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the director's requirements and all applicable local agency construction standards and specifications.

Construction must be completed within 180 days following written notification unless an extension is granted by the director.

(2) Inspection and sampling. The town shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The director or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within 180 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

(b) The director may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, part 136 and amendments thereto or with any other test procedures approved by the director. Sampling shall be performed in accordance with the techniques approved by the director.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples.
- (b) The dates analyses were performed.
- (c) Who performed the analyses.
- (d) The analytical techniques/methods used, and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director, Director of the Division of Water Quality

Control, Tennessee Department of Public Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the Director, the Approval Authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the director or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (1985 Code, § 13-208)

18-209. Enforcement and abatement. (1) Issuance of cease and desist orders. When the director finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the director shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the director;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

Failure of the director to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time. When the director finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations on pretreatment standards, or the provisions of a wastewater discharge permit, the director shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the director within 30 days of the issuance of a cease and desist order.

- (3) Show cause hearing. (a) The town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the town council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the town commission regarding the

violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the town commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The town council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

(1) Issue in the name of the town council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(2) Take the evidence.

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereof.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the town council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the town, the town attorney may commence an action for appropriate legal and/or equitable relief in the chancery court of this county.

(5) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the director presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the director or in his absence the person then in charge of the treatment works shall immediately notify the commissioner of public utilities of the nature of the emergency. The director shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the town or in their absence such elected officials of the town as may be available, the director shall temporarily terminate the service of such user or users as are necessary to abate

the condition when such action appears reasonably necessary. Such service shall be restored by the director as soon as the emergency situation has been abated or corrected.

(6) Public nuisance. Discharges of wastewater in any manner in violation of this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person creating a public nuisance shall be subject to the provisions of the town codes or ordinances governing such nuisance.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter the director shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the town shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage of facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the director shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The Town of Signal Mountain shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (1985 Code, § 13-209)

18-210. Penalty; costs. (1) Civil penalties. Any user who is found to have violated an order of the town council or who willfully or negligently fails to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty and 00/100 dollars (\$50.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorney's, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record,

report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsified, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

(3) Damaging or obstructing public sewers. Any person who willfully, or maliciously damages, injures or obstructs any public or private sewer pipe, main or drain, laid at the direction of the town, shall, in addition to any other penalty provided by law, pay all expenses incurred on account of the repairs and damages arising from such act.

(4) Penalty for violation of this section. (a) Any person found to be violating any provision of this section except provisions relating to interfering with or damaging the sewerage work shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within a period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) shall be guilty of an offense and, upon conviction thereof, shall be punished as prescribed in section 18-210(1) for each violation. Each day in which any such violation shall continue, shall be deemed a separate offense.

(c) Any person violating any of the provisions of this chapter shall be liable to the town for any expense, loss or damage occasioned by the town by reason of the violation. (1985 Code, § 13-210)

18-211. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the town's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the town's schedule of charges and fees, may include, but not be limited to:

- (a) Inspection fee and tapping fee.
- (b) Fees for applications for discharge.
- (c) Sewer use charges.
- (d) Surcharge fees.
- (e) Industrial wastewater discharge permit fees.
- (f) Fees for industrial discharge monitoring.
- (g) Other fees as the town may deem necessary to carry out the requirements of this chapter.

(3) Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by section 18-206 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the town's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the town council.

(5) Sewer user charges. (a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the users contribution of wastewater loads; each class user being identified as follows:

(1) Class I. Those users whose average biochemical oxygen demand (BOD) is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(2) Class II. Those users whose average biochemical oxygen demand (BOD) exceed two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(b) Determination of costs. The town council shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

(1) All users who fall under Class I shall pay a single unit charge expressed as dollars per 1,000 gallons of water purchased (\$/1,000 gallons), as measured by the water meters of the town with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$

Where;

$C_i$  = the Class I total unit cost in \$/1,000 gallons.

T.S.C. = the total operation and maintenance, administration, and debt service cost determined by yearly budget projections.

$V_t$  = the total volume of wastewater contribution from all users per year as determined from projections from one town fiscal year to the next.

(2) All users who fall within the Class II classification shall pay the same base unit charge per 1,00 gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand (BOD) and suspended solids in direct proportion to the actual discharge quantities.

(3) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the commissioner of public utilities if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e., filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(4) When either or both the total suspended solids or biochemical oxygen demand (BOD) quantities discharged into the treatment works is in excess of those described in section 18-211(5)(a), above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge.

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where;

$C_u$  = Total user charge per unit of time.

$V_c$  = Total cost for transportation and treatment of a unit of wastewater volume.

$V_u$  = Volume contribution per unit of time.

$B_c$  = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

$B_u$  = Total BOD contribution for a user per unit of time.

$S_c$  = Total cost of treatment of a unit of suspended solids.

$S_u$  = Total suspended solids contribution from a user per unit of time.

(5) Surcharge fees. If it is determined by the town that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge permit in accordance with section 18-206 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial user's having pretreatment or other discharge requirements to compensate the town for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(8) Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the town. (1985 Code, § 13-211)

## CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, BY-PASSES, ETC.

## SECTION

- 18-301. Definitions.
- 18-302. System to comply with state law.
- 18-303. Cross-connection to be approved.
- 18-304. Statement must be filed.
- 18-305. Inspections.
- 18-306. Right to enter.
- 18-307. Reasonable time to comply.
- 18-308. Grounds for discontinuance.
- 18-309. Protection of potable water system.
- 18-310. Requirements shall apply to all served.
- 18-311. Violations.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) "Public Water System." The waterworks system which furnishes water to all customers of Signal Mountain Utilities for general use and which is recognized as a public water system by the Tennessee Department of Health and Environment.

(2) "Cross-Connection." Any physical arrangement whereby a public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross-connections.

(3) "Auxiliary Intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-Pass." Any system of piping or other arrangement hereby the water may be diverted around any part or portion of a water purification plant.

(5) "Inter-Connection." Any system of piping or other arrangement hereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative, or Federal Agency. (Ord. # 88-15)

18-302. System to comply with state law. Signal Mountain Public Water System is to comply with Sections 68-13-701 through 68-13-719 of the Tennessee Code Annotated, as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective on-going program to control these undesirable water uses. (Ord. # 88-15)

18-303. Cross-connection to be approved. It shall be unlawful for any person to cause a cross-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health and Environment, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all time under the direct supervision of the Director of Public Utilities of the Signal Mountain Public Water System. (Ord. # 88-15)

18-304. Statement must be filed. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Director of Public Utilities a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (Ord. # 88-15)

18-305. Inspections. It shall be the duty of the Director of Public Utilities of the Public Water System to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved, shall be established by the Director of Public Utilities of the Signal Mountain Public Water System and as approved by the Tennessee Department of Health and Environment. (Ord. # 88-15)

18-306. Right to enter. The Director of Public Utilities or authorized representative shall have the right to enter at any reasonable time, any property served by a connection to the Signal Mountain Public Water System for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant or any property so served shall furnish to the inspection agency and, pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (Ord. # 88-15)

18-307. Reasonable time to comply. Any person who now has cross-connections, auxiliary intakes, bypasses, or inter-connections in violation of the provisions of this chapter, shall be allowed a reasonable time within which to comply with provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the Director of Public Utilities of the Signal Mountain Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, Section 68-13-711, with a reasonable time and within the time limits set by the Signal Mountain Public Water System shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued, and physically separate the public water system from the customers on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross-connections, inter-connections, auxiliary intakes or by-passes are found that constitutes an extreme- hazard of immediate concern of contaminating the public water system, the management of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard(s) is correct immediately. (Ord. # 88-15)

18-308. Ground for discontinuance. Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The Director of Public Utilities of the Signal Mountain Public Water System, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be reduced pressure zone type backflow preventer approved by the Tennessee Department of Health and Environment as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Director of Public Utilities of the

Public Water System prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health and Environment. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Signal Mountain Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Director of Public Utilities, or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the Director of Public Utilities shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel, acceptable to the Director of Public Utilities of the Signal Mountain Public Water System.

The failure to maintain backflow prevention device(s) in proper working order shall be grounds for discontinuing water service to a premises. Likewise the removal, bypassing, or altering the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Signal Mountain Public Water System. (Ord. # 88-15)

18-309. Protection of potable water system. The potable water system made available to premises served by the public water system be protected from contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. # 88-15)

18-310. Requirements shall apply to all served. The requirements contained herein shall apply to all premises served by the Signal Mountain Public Water System whether located inside or outside the corporate limits and

are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Signal Mountain Corporate Limits. (Ord. # 88-15)

18-311. Violations. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100.00), and each day of continued violation shall constitute a separate offense. (Ord. # 88-15)

## CHAPTER 4

WATER SHORTAGE AND DROUGHT CONDITIONS

## SECTION

- 18-401. Declaration of policy, purpose, and intent.
- 18-402. Definitions.
- 18-403. Water use classification system.
- 18-404. Management phases.
- 18-405. Shortage water rates (stand-by rates).
- 18-406. Rationing.
- 18-407. Fines and penalties (failure to comply).
- 18-408. Monitoring and enforcement.
- 18-409. Variances (relief from compliance).
- 18-410. Activation and deactivation of management phases.

18-401. Declaration of policy, purpose, and intent. Purpose: To achieve the greatest public benefit from domestic water use, sanitation, and fire protection, and to provide water for other purposes in an equitable manner, the Town of Signal Mountain adopts the following regulations and restrictions on the delivery and consumption of water.

This chapter is hereby declared necessary for the preservation of public health, safety, and welfare and shall take effect upon its adoption by the Town of Signal Mountain.

Whenever, in the judgment of the governing body of the Town of Signal Mountain it becomes necessary to conserve water in the service area, due to drought or in the distribution of water, the Town of Signal Mountain is authorized to issue a declaration that existing conditions prevent fulfillment of the usual water-use demands. The declaration is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs become endangered.

Immediately upon the issuance of such a declaration, regulations and restrictions set forth under this chapter shall become effective and remain in effect until the water shortage is terminated and the declaration rescinded.

Water uses, regulated or prohibited under this chapter are considered to be non-essential and continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The provisions of this chapter shall apply to customers of the Town of Signal Mountain. (Ord. # 88-11)

18-402. Definitions. For the purposes of this chapter the following definitions shall apply:

- (1) "Conservation." Reduction in water use to prevent depletion or waste of the resource.
- (2) "Customer." Any person, company, or organization using water supplied by the Town of Signal Mountain.
- (3) "Domestic water use." Water use for personal needs or for household purposes; such as, drinking, bathing, heating, cooking, sanitation, including employees' use in business, industry, or institution.
- (4) "Management Phases." (a) "Conservation." A conservation phase exists when deemed necessary by the Town of Signal Mountain and has been verified by best available information.
- (b) "Restrictions." A restrictions phase exists when deemed necessary by the Town of Signal Mountain and has been verified by best available information.
- (c) "Emergency." An emergency phase exists when deemed necessary by the Town of Signal Mountain and has been verified by best available information.
- (5) "Even numbered address." Street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8, or letters A-M; and locations without addresses.
- (6) "Institutional water use." Water used by government, public and private educational institutions, public medians and rights of way, churches and places of worship, water utilities, and other lands, buildings, and organizations.
- (7) "Landscape water use." Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights of way and medians.
- (8) "Odd numbered address." Street addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9, or letters N-Z.
- (9) "Water shortage." Lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, water levels in wells which cause water supplies to be less than usual, major water line breaks, chemical spills, etc. resulting in reduced water supplies. (Ord. # 88-11)

18-403. Water use classification system.

First Class Essential Water Uses: Residential.

Second Class Essential Water Uses: Commercial.

Third Class Essential Water Uses: Golf course. (Ord. # 88-11)

18-404. Management phases. Three levels of water management are established: "Conservation," "Restrictions," and "Emergency." Declarations issued by the Town of Signal Mountain shall specify the water management phase in effect and undertake the appropriate water management activities.

(1) Drought alert provisions and implementation. When a local, regional or statewide "Drought Alert" is issued by the Tennessee Office of Water Management, the Town of Signal Mountain will begin, if not already underway,

regular monitoring of supply and demand conditions applicable to the Town of Signal Mountain. Users of the system will be alerted to the activation possibility of the water shortage management plan. Notice will be made to a newspaper of general circulation within the affected community or area. In addition, the Town of Signal Mountain will encourage water users to assess their use of water.

(2) Conservation phase provisions. If conditions indicate that a moderate water shortage condition is present and is expected to persist, the Town of Signal Mountain shall activate those requirements outlined in this section to reduce water use.

(a) Goal:

(1) An overall water use reduction of fifteen (15) percent.

Voluntary water use reductions would be requested for essential, economic and social uses.

(2) Non-essential water uses would be banned.

(b) General response: Issue a Declaration of Water Shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that conservation phase measures are necessary and shall include the list of non-essential water uses.

(c) Restrictions applying to non-essential uses:

Outdoor watering - residents:

(1) Only between the hours of 9:00 p.m. and 6:00 a.m.

(2) Odd numbered houses can only water on Monday, Wednesday, Friday.

(3) Even numbered houses can only water on Tuesday, Thursday, Saturday.

(4) No watering on Sunday.

(5) No car washing will be allowed.

(6) All water customers are subject to total watering ban if the need arises.

(7) No filling of swimming pools.

(d) Restrictions applying to major water users:

Outdoor watering - major users:

(1) Only between the hours of 12:00 a.m. and 6:00 a.m.

(2) No watering on Sunday.

(3) Major users are subject to total watering ban if the need arises.

(3) Restrictions phase provisions. If conditions indicate that a severe water shortage condition is present and is expected to persist the Town of Signal Mountain shall activate those requirements outlined in this section to curtail water uses.

(a) Goal: An overall water use reduction of thirty (30) percent.

Voluntary water use reductions would be requested for essential uses.

Nonessential water uses would be banned, resulting in a 100 percent

overall class reduction. Curtailments in Second and Third Class Essential Water uses would be required resulting in a seventeen (17) percent combined class reduction.

(b) General responses: (1) Issue a Declaration of Water Shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that a Restrictions Phase is in effect and shall include the list of banned uses, and the list of restricted water uses.

(2) Require customers of the Town of Signal Mountain to comply with the listed water-use bans and restrictions in all categories while severe drought conditions exist.

(c) Restrictions applying to second and third class essential water uses:

Water restriction - Residents:

(1) No outdoor watering will be allowed.

(2) No car washing.

(3) No filling of swimming pools.

(d) Major users: No outdoor watering will be allowed.

(4) Emergency phase provisions. If conditions indicate that an extreme water shortage condition is present, the Town of Signal Mountain shall activate the provisions outlined in this section to curtail water use.

Water-use restrictions imposed during extreme water shortage conditions are mandatory.

(a) Goal:

(1) An overall water use reduction of sixty (60) percent; only First Class Essential water uses would be allowed.

(2) All other water uses would be prohibited.

(b) General responses:

(1) Issue a Declaration of Water Shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that an Emergency Phase is in effect. It shall include the list of banned water uses.

(2) Require customers of the Town of Signal Mountain to comply with the listed water-use restrictions in all categories while extreme water shortage conditions exist.

(c) Restrictions applying to second and third class essential water uses: (Ord. # 88-11)

18-405. Shortage water rates (stand-by rates). Upon the declaration of a water shortage, the Town of Signal Mountain shall utilize shortage water rates to water conservation of water supplies. (Such rates may provide for but not be limited to: (a) higher charges per unit for increasing usage (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); (c) extra charges for use in excess of a specified level (excess demand

surcharge); or (d) discounts for conserving water beyond specified levels. This chapter includes an example of an "excess use or surcharge" structure.)

In the event of a water shortage and activation of the "restrictions" phase, the Town of Signal Mountain is hereby authorized to monitor water use and limit households to 70 gallons per household member per day. Domestic water use above this limit will be subject to a surcharge of \$25.00 per 1000 gallons. The Town of Signal Mountain is hereby authorized to monitor water use and limit households to 40 gallons per household member per day under an "emergency" phase. Domestic water use above this limit will be subject to a surcharge of \$50.00 per 1000 gallons. Institutional, commercial, industrial, and recreational water users will be subject to water use surcharges of \$100.00 per 1000 gallons of water used if the Town of Signal Mountain deems that adequate conservation measures have not been implemented. (Ord. # 88-11)

18-406. Rationing. In the event of a declares drought the Town of Signal Mountain issues a Declaration of Water Shortage specifying either a Restrictions phase or Emergency phase the Town of Signal Mountain is hereby authorized to ration water in accordance with the following conditions:

(1) Residential water customers and allotments. (a) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.

(b) Each dwelling unit (household) shall be allotted 70 gallons per day for each resident of the household under "restrictions" and 40 gallons per day for each resident of the household under "emergency" conditions. Households with only one permanent resident will have a daily allotment of 55 gallons per day under "emergency" conditions.

(c) Residential water customers are required to provide town utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry to read the meter after reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to 55 gallons per day.

(d) Where the residential water allotment provided under this section would create an "extraordinary hardship," as in the case of special health-related requirements, the water customer may apply to the water system for an exemption or variance from these requirements. If it is found that the allotment provided in this section would impose an extraordinary hardship, a revised allotment for the particular customer may be established.

(e) Any person aggrieved by a decision relating to such an exemption or variance rendered by the municipality rendering water

service, may file a complaint with the Town of Signal Mountain Town Hall.

(2) Non-Residential water customers and allotments. Non-residential customers include commercial, industrial, institutional, public and all other such users, with the exception of hospitals and health care facilities.

Non-residential water customers shall further reduce their water usage to fifty (50) percent of use levels as decided by the town council.

It is the primary responsibility of each non-residential water customer to meet its mandated water use reduction goal in whatever manner possible.

The Town of Signal Mountain will establish a water allotment for each non-residential water customer, based upon a required further reduction of water usage from the rate of water used by the customer, or the last recorded use level if no meter readings record the rate of the customer's use.

Each non-residential water user shall provide access to water system personnel for purposes of meter reading and monitoring of compliance with this chapter. All reasonable efforts will be made to contact customers to arrange for access.

If the mandated further reduction in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the non-residential customer may apply to the water system for a variance. For these purposes "extraordinary hardship" means a permanent damage to property or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this water rationing chapter. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted and a revised water use reduction requirement for the particular customer may be established.

Any person aggrieved by a decision relating to such a variance rendered by a public utility may file a complaint with the Town Council of the Town of Signal Mountain.

(3) Water use rationing for hospitals and health care facilities. Hospitals and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution, to the extent compliance will not endanger the health of the patients or residents of the institution.

Each hospital or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage. (Ord. # 88-11)

18-407. Fines and penalties (failure to comply). Except as otherwise stated herein, violators of any provision of this chapter shall be penalized. The penalty for a person's first offense shall be water disconnection with a reconnection fee of \$100. The penalty for a person's second offense shall be water disconnection with a reconnection fee of \$200. Persons violating this

chapter a third or more times within the same drought period will have water service disconnected for a period of five (5) days with a \$300 reconnection fee.

The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

Services disconnected under such circumstances shall be restored only upon payment of a reconnection charge. (Ord. # 88-11)

18-408. Monitoring and enforcement. Law officers of the Town of Signal Mountain police force shall, in addition to duties imposed by law, diligently enforce the provisions of this chapter.

Employees of the Town of Signal Mountain, Department of Public Works, and Fire Department have the duty, and are hereby authorized to enforce the provisions of this chapter and shall have the power and authority to issue citations when violations of this chapter occur during any declared drought. (Ord. # 88-11)

18-409. Variance (relief from compliance). (1) Customers not capable of reducing water use immediately, because of equipment damage or other extreme circumstances, shall reduce water use within twenty-four hours of a declaration of a water shortage, where provisions of this chapter apply to them and shall apply for a variance from curtailment.

Customers requesting exemption from the provisions of this chapter shall file a petition for variance with the town council and town attorney within three (3) days after such curtailment becomes effective.

When the chapter has been invoked by the mayor, all petitions for variances shall be reviewed by the town council and town attorney. When the chapter has been invoked by the mayor, persons using less than 25,000 gallons of water per day shall file a petition for variance with the town council and town attorney, and persons using in excess of 25,000 gallons of water per day shall file a petition for variance with the town council and town attorney within three (3) days of the effective date of water use curtailment or reduction. The town council and town attorney shall respond to requests for variance within five (5) days of receipt of information or within twenty (20) days of declarations of the curtailment, whichever comes first. Petitions shall contain the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision from which the petitioner is requesting relief.
- (d) Detailed statement as to how the declaration adversely affects the petitioner.
- (e) Description of the relief desired.
- (f) Period of time for which the variance is sought.
- (g) Economic value of the water use.

(h) Damage or harm to the petitioner or others if petitioner complies with chapter.

(i) Restrictions with which the petitioner is expected to comply and the compliance date.

(j) Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance.

(k) Other pertinent information.

(2) In order for a variance to be granted, petitioner must show one or more of the following conditions:

(a) Compliance with the chapter cannot be technically accomplished during the duration of the water shortage.

(b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(c) An extraordinary hardship can be shown.

(3) The Town of Signal Mountain may, in writing, grant temporary variances for existing water uses otherwise prohibited under the chapter if it is a condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The governing body of the Town of Signal Mountain shall ratify or revoke any such variance at their next scheduled meeting. Any such variance so ratified may be revoked by later action of the governing body of the Town of Signal Mountain.

No variance shall be retroactive or otherwise justify any violation of this chapter occurring prior to the issuance of the variance.

Variances granted by the town council and town attorney shall be subject to the following conditions, unless waived or modified by the town council and town attorney.

(a) Variances granted shall include a timetable for compliance.

(b) Variances granted shall expire when the water shortage no longer exists. (Ord. # 88-11)

#### 18-410. Activation and deactivation of management phases.

(1) Declaration of a drought. Whenever the Town of Signal Mountain finds that a potential shortage of water supply is indicated, it shall be empowered to declare a drought exists, and that the water superintendent shall, daily, monitor the supply and demands upon that supply. In addition, the mayor (or his/her agent) is authorized to specify the management phase in effect and the measures to be employed by the system's customers. This declaration shall be published in an official city newspaper, and may be publicized through the general news media or any other appropriate method for making such resolutions public.

(2) Termination of drought phases. Whenever the Town of Signal Mountain finds supplies have returned to normal, it shall be empowered to replace or declare as ended by resolution any phase enacted. Such a declaration shall follow the same guidelines used for declaring a drought. (Ord. # 88-11)

## CHAPTER 5

SEPTIC TANK EFFLUENT PUMP (S.T.E.P.) SYSTEM

## SECTION

- 18-501. Definition.
- 18-502. Homes served.
- 18-503. Lots served.
- 18-504. Installation and ownership.
- 18-505. Approved equipment.
- 18-506. Town ownership--easements.
- 18-507. Rules of use, permits.
- 18-508. Fees.
- 18-509. User's guide.
- 18-510. Access.
- 18-511. Excess calls.
- 18-512. Cleaning.
- 18-513. Odorization.
- 18-514. Adoption by reference.

18-501. Definition. A S.T.E.P. sewer system is a facility consisting of a tank or tanks for settling and digesting wastewater solids, and a pump and pressure piping system for conveying the supernatant liquid into the sewer system. Where the construction of sewers is desired or required, and gravity sewers are not feasible or possible, septic tank effluent pump (S.T.E.P.) systems may be installed according to the regulations of this chapter. (As added by Ord. #98-30, Oct. 1998)

18-502. Homes served. Existing homes which exist or become within 300 feet of a newly-installed S.T.E.P. sewer main are not required to connect to the main unless

- (1) Their septic system fails, or
- (2) The town is constructing the S.T.E.P. main. (As added by Ord. #98-30, Oct. 1998)

18-503. Lots served. Vacant lots which exist or become within 300 feet of a newly-installed S.T.E.P. sewer main are required to connect to the main when a home is built. (As added by Ord. #98-30, Oct. 1998)

18-504. Installation and ownership. The S.T.E.P. sewer mains shall be installed pursuant to specifications approved by the town and adopted herein by reference, and the state. They shall be owned and maintained by the developer installing it for the first year it is installed and used. After the first year, the developer shall contribute the S.T.E.P. sewer main in good condition

to the town which shall own and maintain it in perpetuity. The developer shall pay the town plans review and systems inspection fees as may be set by the council. (As added by Ord. #98-30, Oct. 1998)

18-505. Approved equipment. S.T.E.P. sewer customers must purchase town-approved and state-approved S.T.E.P. tanks, pumps, and related hardware. The town may develop a system to offer customers a town-bid, predetermined price and vendor for the approved S.T.E.P. pumps and tanks. (As added by Ord. #98-30, Oct. 1998)

18-506. Town ownership-easements. S.T.E.P. tanks, pumps, and service lines shall be installed by the property owner or homebuilder in locations approved by the town using specifications set by the town, and immediately donated to the town for perpetual ownership and maintenance after inspection by the town, along with an easement for the town to gain access to and through private property to maintain these items. Access manholes, ports, and electrical disconnects must not be locked, obstructed, or blocked by landscaping or construction. The customer shall be responsible for maintaining all plumbing within the house and to the S.T.E.P. tank. (As added by Ord. #98-30, Oct. 1998)

18-507. Rules of use, permits. S.T.E.P. sewer customers must employ installers from the town's list of approved contractors for the installation of the approved pumps, tanks, and service lines. A town-approved permit must be requested and approved before installation can proceed. The town shall inspect the installation. The town inspector shall be notified a minimum of 48 hours in advance of a tap connection to an existing main. The inspector shall be present at the time of the tap. The customer supplies electric power to the S.T.E.P. system. The customer shall be responsible for notifying the town when the control panel alarm buzzer is activated. The customer shall be responsible for curtailing water usage until town forces respond to the customer's notification. The town will accept no responsibility for damages resulting from a plumbing backup, such as may occur if water usage is not curtailed during an alarm condition or if the customer disables the alarm. (As added by Ord. #98-30, Oct. 1998)

18-508. Fees. S.T.E.P. sewer customers shall pay the same sewer fees as gravity sewer customers, including the tap fee, except for additional emergency maintenance, monthly maintenance surcharges and/or application fees the council may set by policy from time to time. (As added by Ord. #98-30, Oct. 1998)

18-509. User's guide. S.T.E.P. sewer customers are responsible for following the town-provided S.T.E.P. users guide which prohibits, among other things, the following uses:

- (1) Connection of roof guttering, sump pumps, or surface drains.
- (2) Disposal of toxic household substances.
- (3) Misuse of garbage grinders or disposals as outlined in the "Property Owner/Homeowner User Information and Guidelines" document adopted by reference.
- (4) Discharge of water softener backwash water.
- (5) Discharge of pet hair, lint, or home vacuum water.
- (6) Discharge of fats, grease or oils. (As added by Ord. #98-30, Oct. 1998)

18-510. Access. The customer must maintain access to the tank riser and service box lid, and access to the system control panel. Maintenance of the piping between the house and the tank is the responsibility of the resident. (As added by Ord. #98-30, Oct. 1998)

18-511. Excess calls. S.T.E.P. sewer customers may be assessed penalty fees and/or charges, as may be set by policy by the town council, for abuse of the S.T.E.P. tank and pump causing excessive alarms and emergency maintenance calls. (As added by Ord. #98-30, Oct. 1998)

18-512. Cleaning. Town will provide

- (1) Filter cleaning and system inspection annually, and
- (2) Tank pumping as needed. Service requirements more frequent than this cycle, for Item #1 above, may warrant extra service charges as may be set by town council policy. (As added by Ord. #98-30, Oct. 1998)

18-513. Odorization. The developer/contractor installing a S.T.E.P. system shall be held responsible for odorization until the subdivision/system is fully developed. A bond for an amount and time period as determined by the town, dependent on the S.T.E.P. system design, shall be required for the implementation of an odor control system. In the event odor problems occur, the developer/contractor shall develop a plan of action to address the issue and submit the plan to the town for acceptance. The town's acceptance of an odor control project does not, in any way, relieve the developer/contractor from the responsibility of further odor control measures. The developer/contractor shall be responsible for implementing the accepted plan, including payment thereof for installation, operation and maintenance, to remedy any odor problems. (As added by Ord. #98-30, Oct. 1998)

18-514. Adopted by reference. The Town of Signal Mountain, Tennessee shall adopt herein, by reference, all requirements and regulations set forth in two documents maintained at the Signal mountain Town Hall, and available for public inspection during regular town business hours, entitled:

- (1) Standard Specifications for Septic Tank Effluent Pump (S.T.E.P.)  
Systems and;
- (2) Standard Details for Septic Tank Effluent Pump (S.T.E.P.)  
Systems. (As added by Ord. #98-30, Oct. 1998)

## CHAPTER 6

SEPTIC SYSTEMS OTHER THAN SEPTIC TANK EFFLUENT  
PUMP (S.T.E.P.) SYSTEMS

## SECTION

18-601. Building site.

18-602. Application to construct a septic system.

18-603. Septic system construction inspection.

18-601. Building site. The proposed building site must meet all criteria of the Chattanooga-Hamilton County Health Department Environmental Health Groundwater Protection Regulations, including those contained in the Sections Existing Lots (Page 3) in the 1998 document "Changes to Policies & Procedures." (As added by Ord. #99-1, Jan. 1999)

18-602. Application to construct a septic system. Persons planning to construct a septic system within the Town of Signal Mountain must, in addition to the permit application filed with Chattanooga-Hamilton County Health Department, file an application for services within the Town of Signal Mountain accompanied by the following items:

(1) An application for Subsurface Sewage Disposal System Construction Permit, with \$50.00 fee, specific to the Town of Signal Mountain.

(2) A 1" = 50' scale plat of the lot with the following items:

(a) Scale drawing of house in location desired;

(b) Scale drawing of all driveways, walkways and impervious areas to be constructed;

(c) Calculation of the impervious area to be present on the lot expressed both in square feet and in percentage of the total area of the lot;

(d) Storm water drainage plan to remove all water from impervious areas to drainage easement specified on subdivision plat that do not impact the primary and reserve drain fields;

(e) Location of all planned underground utilities;

(f) Location of septic system primary drain field and reserve drain field areas; and

(g) Location of any planned items which would impact the septic system, i.e. swimming pools, outbuildings, etc.

(3) Brochure(s) stating gallonage for each and any whirlpool type bathtub to be installed in the proposed structure.

(4) Blueprints of house to be constructed as well as notarized statement of number of bedrooms to be present in the structure (see Chattanooga-Hamilton County Technical Manual of the Division of Groundwater Protection revised September 1, 1998, as may be amended from

time to time). Upon final inspection by the Town of Signal Mountain Building Inspector and the structure is found to have more bedrooms than specified on the application for services, no final approval should be given until either the septic system is modified or the bedrooms are modified.

(5) Actual soil mapping and/or soil percolation test data is to be used in the sizing of septic system disposal systems.

(6) The distances between disposal line trench walls is to be in accordance with Chattanooga-Hamilton County Health Department Environmental Health Groundwater Protection Regulations.

(7) Any conventional septic system requiring a pump would require an approved means to provide equal distribution of effluent within the disposal trenches. Examples of approved means of flow division including but are not limited to, Low Pressure Pipe distribution, OSI's Hydro-splitter, drop boxes or any means of flow division acceptable to the Chattanooga-Hamilton County Health Department Environmental Health Groundwater Protection.

(8) All septic tanks and pump tanks installed within the Town of Signal Mountain must be:

(a) Certified as watertight by the manufacturer, and;

(b) Certified as watertight on site by the successful completion of a water tightness test as specified on page 16 of the document Proposed Subsurface Sewage Disposal System Policies and Procedures for the Town of Signal Mountain.

(9) The Chattanooga-Hamilton County Health Department has regulations addressing septic tank sizes up to five-bedroom homes. For larger homes, the tank sizes shall be:

6 BDR = 1,750 gallons

7 BDR = 2,000 gallons

8 BDR = 2,250 gallons

Each additional BDR = 250 gallons. (As added by Ord. #99-1, Jan.

1999)

18-603. Septic system construction inspection. During the construction of the disposal field, the Town of Signal Mountain Building Inspector or his/her representative should conduct site visits to determine the following:

(1) That the house structure is being constructed in the proper area as designated by the Chattanooga-Hamilton County Health Department Environmental Health Ground Water Protection Authority and not in an area which conflicts with the primary or secondary field line areas.

(2) That the disposal field is being constructed in the proper area as designated by the construction permit issued by the Chattanooga-Hamilton County Health Department Environmental Health Groundwater Protection Authority and that a licensed installer is constructing the system.

(3) That the flow division mechanism is installed properly.

(4) All septic tanks and pump tanks are equipped with an approved access riser extending to finished grade and fitted with a secure lid.

(5) That the septic tank and pump tanks are watertight by observing watertight testing by obtaining a copy of the manufacturer's certificate if a S.T.E.P. tank is installed.

(6) That no damage has occurred to the system prior to final covering such as holes being knocked in tanks by equipment or other means, crossovers being crushed or any other mechanical damage. (As added by Ord. #99-1, Jan. 1999)

## CHAPTER 7

STORMWATER RUNOFF REGULATION AND CONTROL

## SECTION

- 18-701. General provisions.
- 18-702. Definitions.
- 18-703. Waivers.
- 18-704. Stormwater system design: construction and permanent stormwater management.
- 18-705. Permanent stormwater management: operation, maintenance, and inspection.
- 18-706. Existing locations and ongoing developments.
- 18-707. Illicit discharges.
- 18-708. Enforcement.
- 18-709. Penalties.
- 18-710. Appeals.

18-701. General provisions. (1) Purpose. It is the purpose of this chapter to:

(a) Protect, maintain, and enhance the environment of the town and the public health, safety and the general welfare of the citizens of the town, by controlling discharges of pollutants to the town's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the 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, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the town, whether or not owned and operated by the town;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharge and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The Town of Signal Mountain shall administer the provisions of this chapter.

(3) Stormwater management ordinance. The intended purpose of this chapter is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering implement to facilitate the necessary control of stormwater. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2014-10, Dec. 2014)

18-702. 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) "Administrative or civil penalties." Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the town declares that any person violating the provisions of this chapter may be assessed a civil penalty by the town of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(2) "As built plans" means drawings depicting conditions as they were actually constructed.

(3) "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures,

and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

(5) "Buffer zone" means a setback from the top of water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet(60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. The MS4 must develop and apply criteria for determining the circumstances under which these averages will be available. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation. Every attempt should be made for development and redevelopment activities not to take place within the buffer zone. If water quality buffer widths as defined above cannot be fully accomplished on-site, the MS4 must develop and apply criteria for determining the circumstances under which alternative buffer widths will be available. A determination that water quality buffer widths cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as: type of project, existing land use and physical conditions that preclude use of these practices.

(6) "Buffer zone requirements." (a) "Construction":

(i) Applies to all streams adjacent to construction sites, with an exception for streams designated as impaired or exceptional Tennessee waters, as designated by the Tennessee Department of Environment and Conservation. A thirty foot (30') natural riparian buffer zone adjacent to all streams at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state located

within or immediately adjacent to the boundaries of the project, as identified using methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals, TN Rules Chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The thirty feet (30') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than fifteen feet (15') at any measured location.

(ii) Buffer zone requirements for discharges into impaired or high quality waters: A sixty foot (60') natural riparian buffer zone adjacent to the receiving stream designated as impaired or high quality waters shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified on a 7.5-minute USGS quadrangle map, or as determined by the director. Buffer zones are not sediment control measures and should not be relied upon as primary sediment control measures. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be established between the top of stream bank and the disturbed construction area. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location.

(b) "Permanent" New development and significant redevelopment sites are required to preserve water quality buffers along waters within the MS4. Buffers shall be clearly marked on site development plans, grading permit applications, and/or concept plans. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis

at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. The thirty foot (30') criterion for the width of the buffer zone can be established on an average width basis, as long as the minimum width of the buffer zone is more than fifteen feet (15') at any measured location.

(7) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

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

(9) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., two (2) yr, five (5) yr, twenty-five (25) yr, etc.) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee: [http://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=tn](http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tn). Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

(10) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(11) "Discharge" means 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.

(12) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, town or other legal entity has in the land of another.

(13) "Erosion" means 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 human activities or effects.

(14) "Erosion prevention and sediment control plan (EPSCP)" means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.

(15) "Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hot spots, but that term is not limited to only these land uses:

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

(16) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(17) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of storm water and not specifically exempted under § 18-707(2).

(18) "Improved sinkhole" is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

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

- (a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around waters of the state;
- (b) Update field SWPPPs;
- (c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and

(d) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.

(20) "Land disturbing activity" means 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, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(21) "Maintenance" means 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.

(22) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(23) "Municipal Separate Storm Sewer System (MS4)" means the conveyances owned or operated by the town 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, and where the context indicates, it means the municipality that owns the separate storm sewer system.

(24) "National Pollutant Discharge Elimination System permit" or a "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(25) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(26) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(27) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(28) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(29) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

(30) "Sediment" means solid material, both inorganic 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.

(31) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds.

(32) "Soils report" means 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 conducting the investigation.

(33) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(34) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(35) "Stormwater entity" means the entity designated by the town to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the town.

(36) "Stormwater management" means the programs to maintain quality and quantity of storm water runoff to pre-development levels.

(37) "Stormwater management facilities" means the drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(38) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(39) "Stormwater Pollution Prevention Plan (SWPPP)" means a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the current Tennessee Erosion and Sediment Control Handbook. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations. All SWPPPs shall be prepared and updated in accordance with section 3 of the general NPDES permit for discharges of stormwater associated with construction activities.

(40) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(41) "Structural BMPs" means facilities that are constructed to provide control of stormwater runoff.

(42) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(43) "Waste site" means an area where waste material from a construction site is deposited. When the material is erodible, such as soil, the site must be treated as a construction site.

(44) "Water quality buffer" see "buffer."

(45) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(46) "Watershed" means all the land area that contributes runoff to a particular point along a waterway.

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

(48) "Wetland(s)" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

(49) "Wet weather conveyances" are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months. (Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(3)). (as added by Ord. #2001-6, Dec. 2001, replaced by Ord. #2003-7, Nov. 2003, amended by Ord. #2004-4, June 2004, and replaced by Ord. #2014-10, Dec. 2014)

18-703. Waivers. (1) General. No waivers will be granted any construction or site work project. All construction and site work shall provide for stormwater management as required by this ordinance. However, alternatives to the 2010 NPDES general permit for discharges from small municipal separate storm sewer systems primary requirement for on-site permanent stormwater management may be considered, if:

(a) Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the town.

(2) Downstream damage, etc. prohibited. In order to receive consideration, the applicant must demonstrate to the satisfaction of the the Town of Signal Mountain that the proposed alternative 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 streambank or streambed erosion or siltation;

(d) Increased threat of flood damage to public health, life or property.

(3) Land disturbance permit not to be issued where alternatives requested. No land disturbance permit shall be issued where an alternative has been requested until the alternative is approved. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for on-site stormwater management. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2003-7, Nov. 2003, and Ord. #2014-10, Dec. 2014)

18-704. Stormwater system design: Construction and Permanent stormwater management. (1) MS4 stormwater design or BMP manuals.

(a) Adoption. The town adopts as its MS4 stormwater design and best management practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this ordinance as if fully set out herein:

(i) TDEC Erosion Prevention and Sediment Control Handbook; most current edition.

(ii) The City of Chattanooga, Hamilton County and Town of Signal Mountain Stormwater Management Manual (BEST MANAGEMENT PRACTICES (BMP) MANUAL - most current edition). (Note: this selection is provided as a suggestion only. TDEC plans on issuing a similar manual in cooperation with the University of Tennessee's Water Resources Center in 2013.)

(iii) A collection of MS4 approved BMPs developed or collected by the MS4 that comply with the goals of the MS4 permit and/or the CGP.

(b) The town's BMP manual(s) include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. These include town approved BMPs for permanent stormwater management including green infrastructure BMPs.

(c) The town manual(s) may be updated and expanded from time to time, at the discretion of the town council, upon the recommendation of the Town of Signal Mountain, based on improvements in engineering, science, monitoring and local maintenance experience, or changes in federal or state law or regulation. 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) Land development. This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, land disturbance applications and grading applications. These standards apply to any new development or redevelopment site that meets one (1) or more of the following criteria:

(a) One (1) acre or more;

(i) New development that involves land development activities of one (1) acre or more;

(ii) Redevelopment that involves other land development activity of one (1) acre or more;

(b) Projects or developments of less than one acre of total land disturbance may also be required to obtain authorization under this chapter if:

(i) The Town of Signal Mountain has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;

(ii) The Town of Signal Mountain has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state;

(iii) Changes in state or federal rules require sites of less than one acre that are not part of a larger common plan of development or sale to obtain a stormwater permit;

(iv) Any new development or redevelopment, regardless of size, that is defined by the Town of Signal Mountain to be a hotspot land use; or

(v) Minimum applicability criteria set forth in item (a) above if such activities are part of a larger common plan of

development, even multiple, that is part of a separate and distinct land development activity that may take place at different times on different schedules.

Note: Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, Chapter 1200-4-6.

(3) Submittal of a copy of the NOC, SWPPP and NOT to the local MS4 permittees who discharge stormwater through an NPDES-permitted municipal separate storm sewer system (MS4) who are not exempted in section 1.4.5 (Permit Coverage through Qualifying Local Program) of the Construction General Permit (CGP) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed Notice of Termination (NOT) to the Town of Signal Mountain. Permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's data viewer web site.

Copies of additional applicable local, state or federal permits (i.e.: ARAP, etc.) must also be provided upon request.

If requested, these permits must be provided before the issuance of any land disturbance permit or the equivalent.

(4) Stormwater Pollution Prevention Plan (SWPPP) for construction stormwater management: The applicant must prepare a stormwater pollution prevention plan for all construction activities that complies with subsection (5) below. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(5) Stormwater pollution prevention plan requirements. The erosion prevention and sediment control plan component of the SWPPP 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. If necessary, the plan shall be phased so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate phase of the plan. The plan shall be sealed by a registered professional engineer or landscape architect licensed in the state of Tennessee. The plan shall also conform to the requirements found in the MS4 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 (5') or less showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(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) Existing and 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/detention 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 stabilized construction entrance/exits, concrete washouts, and sediment 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 town. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the town. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(p) Proposed structures: location 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 ground water system through runoff reduction practices.

(r) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.

(6) General design performance criteria for permanent stormwater management: the following performance criteria shall be addressed for permanent stormwater management at all development sites:

(a) Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) Limitations to the application of runoff reduction requirements include, but are not limited to:

(i) Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;

(ii) Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;

(iii) Presence of sinkholes or other karst features.

(c) Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.

(d) Incentive standards for re-developed sites: a ten percent (10%) reduction in the volume of rainfall to be managed for any of the

following types of development. Such credits are additive such that a maximum reduction of fifty percent (50%) of the standard in the paragraph above is possible for a project that meets all five (5) criteria:

- (i) Redevelopment;
- (ii) Brownfield redevelopment;
- (iii) High density (>7 units per acre);
- (iv) Vertical density, (Floor to Area Ratio (FAR) of 2 or > 18 units per acre); and
- (v) Mixed use and transit oriented development (within one half (1/2) mile of transit).

(e) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirement unless subject to the incentive standards, the remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove eighty percent (80%) Total Suspended Solids (TSS) unless an alternative provided under this chapter is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(f) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirements, the Town of Signal Mountain may allow runoff reduction measures to be implemented at another location within the same USGS twelve (12) digit hydrologic unit code (HUC) as the original project. Off-site mitigation must be a minimum of 1.5 times the amount of water not managed on site. The off-site mitigation location (or alternative location outside the twelve (12) digit HUC) and runoff reduction measures must be approved by the Town of Signal Mountain. The Town of Signal Mountain shall identify priority areas within the watershed in which mitigation projects can be completed. The Town of Signal Mountain must create an inventory of appropriate mitigation projects, and develop appropriate institutional standards and management systems to value, evaluate and track transactions. Mitigation can be used for retrofit or redevelopment projects, but should be avoided in areas of new development.

(g) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the MS4 BMP manual.

(h) 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.

(i) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention

practices. In addition, stormwater from a hot spot land use may not be infiltrated.

(j) Prior to or during the site design process, applicants for land disturbance permits shall consult with the Town of Signal Mountain to determine if they are subject to additional stormwater design requirements.

(k) The calculations for determining peak flows as found in the MS4 BMP manual shall be used for sizing all stormwater facilities.

(7) Minimum volume control requirements. (Note: the volume control requirements are by the MS4 and not the TDEC MS4 permit) in accordance with § 18-701(1)(c)(iii) the MS4 may establish standards to regulate the quantity of stormwater discharged, therefore:

(a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the MS4 BMP manual.

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the Town of Signal Mountain may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(8) Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the Town of Signal Mountain 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: Topographic base map of the site which extends a minimum of one hundred feet (100') beyond the limits of the proposed development and indicates:

(i) 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;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) 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.

(b) Proposed structural and non-structural BMPs;

(c) A written description of the site plan and justification of proposed changes in natural conditions may also be required;

(d) **Calculations:** Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the MS4 BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the MS4 BMP manual. Such calculations shall include:

(i) A description of the design storm frequency, duration, and intensity where applicable;

(ii) Time of concentration;

(iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;

(iv) Peak runoff rates and total runoff volumes for each watershed area;

(v) Infiltration rates, where applicable;

(vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;

(vii) Flow velocities;

(viii) Data on the increase in rate and volume of runoff for the design storms referenced in the MS4 BMP manual; and

(ix) Documentation of sources for all computation methods and field test results.

(e) **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.

(9) **Maintenance and repair plan:** The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures 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 the plan.

(10) **Buffers and buffer zones:** Buffer and buffer zones shall be those buffers and buffer zones as those terms are defined in § 18-702(5) and (6), above, and shall meet the requirements contained in those provisions.

(a) **Construction.** (i) Construction requires buffer zone widths of a minimum of thirty feet (30'). The thirty foot (30') criterion for the width of the buffer zone can be established on an average

width basis. As long as the minimum width of the buffer zone is fifteen feet (15'). The buffer zone shall meet all the other applicable requirements of § 18-702(5) and (6).

(ii) Construction on impaired or exceptional waters. The width of the buffer zone shall be a minimum of sixty feet (60'). The sixty feet (60') criterion for the width of the buffer zone can be established on an average basis at a project as long as the minimum width of the buffer is more than thirty feet (30') at any measured location. The buffer zone shall meet all the other applicable requirements of § 18-702(5) and (6).

(b) Permanent. (i) More than one (1) square mile drainage area will require buffer zones of a minimum of sixty feet (60'). The sixty foot (60') criterion for the width of the buffer zone can be established on an average width basis, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location.

(ii) Less than one (1) square mile drainage area. Less than one (1) square mile drainage area will require buffer zones of a minimum of thirty feet (30'). The thirty foot (30') criterion for the width of the buffer zone can be established on an average width basis, as long as the minimum width of the buffer zone is more than fifteen feet (15') at any measured location. The buffer zone shall meet all the other applicable requirements of § 18-702(5) and (6). (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2014-10, Dec. 2014)

18-705. Permanent stormwater management: operation, maintenance, and inspection. (1) As built plans. 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. A final inspection by the town is required before any performance security or performance bond will be released. The town shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the town.

(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 stabilize. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed not later

than fifteen (15) days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

(i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or

(ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within fifteen (15) days.

(b) Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

(c) The following criteria shall apply to revegetation efforts:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) 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, documented, and reported in accordance with this chapter, as detailed in § 18-706.

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the town 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 chapter, the town, 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 town shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the town may take necessary corrective action. The cost of any action by the town under this section shall be charged to the responsible party. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2003-7, Nov. 2003, and Ord. #2014-10, Dec. 2014)

18-706. Existing locations and ongoing developments. (1) On-site stormwater management facilities maintenance agreement:

(a) Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.

(b) The maintenance agreement shall:

(i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

(ii) Provide for a periodic inspection by the property owners in accordance with the requirements of subsection (v) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this ordinance. The property owners 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 signed written report of the inspection to the Town of Signal Mountain. It

shall also grant permission to the town to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(iii) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.

(iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the Town of Signal Mountain.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the Town of Signal Mountain 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 Town of Signal Mountain's cost of performing the maintenance shall be a lien against the property.

(2) Existing problem locations - no maintenance agreement.

(a) The Town of Signal Mountain shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(b) Inspection of existing facilities. The town may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the town'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 BMP's.

(3) Owner/operator inspections - generally. The owners and/or the operators of stormwater management practices shall:

(a) Perform routine inspections to ensure that the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The Town of Signal Mountain may require submittal of this documentation.

(b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five (5) years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five (5) year inspections shall include:

- (i) Facility type,
- (ii) Inspection date,
- (iii) Latitude and longitude and nearest street address,
- (iv) BMP owner information (e.g. name, address, phone number, fax, and email),
- (v) A description of BMP condition including: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation,
- (vi) Photographic documentation of BMPs, and
- (vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

(c) Owners or operators shall maintain documentation of these inspections. The Town of Signal Mountain may require submittal of this documentation.

(4) Requirements for all existing locations and ongoing 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 § 18-705(2)(c)(i), (ii), (iii) and on a schedule acceptable to the Town of Signal Mountain.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways 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 drainage ways.

(e) Stormwater runoff shall, at the discretion of the Town of Signal Mountain be controlled to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:

- (i) Ponds
  - (A) Detention pond
  - (B) Extended detention pond
  - (C) Wet pond
  - (D) Alternative storage measures
- (ii) Constructed wetlands
- (iii) Infiltration systems
  - (A) Infiltration/percolation trench
  - (B) Infiltration basin
  - (C) Drainage (recharge) well
  - (D) Porous pavement
- (iv) Filtering systems
  - (A) Catch basin inserts/media filter
  - (B) Sand filter
  - (C) Filter/absorption bed
  - (D) Filter and buffer strips
- (v) Open channel
  - (A) Swale

(5) Corrections of problems subject to appeal. Corrective measures imposed by the Town of Signal Mountain under this section are subject to appeal under § 18-710 of this chapter. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2014-10, Dec. 2014)

18-707. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the town'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 or any discharge that flows from stormwater facility that is not inspected in accordance with § 18-706 shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or

continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
  - (i) Water line flushing or other potable water sources;
  - (ii) Landscape irrigation or lawn watering with potable water;
  - (iii) Diverted stream flows;
  - (iv) Rising groundwater;
  - (v) Groundwater infiltration to storm drains;
  - (vi) Pumped groundwater;
  - (vii) Foundation or footing drains;
  - (viii) Crawl space pumps;
  - (ix) Air conditioning condensation;
  - (x) Springs;
  - (xi) Non-commercial washing of vehicles;
  - (xii) Natural riparian habitat or wetland flows;
  - (xiii) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine);
  - (xiv) Firefighting activities;
  - (xv) Any other uncontaminated water source.
- (b) Discharges specified in writing by the town as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge if the town has so specified in writing.
- (d) Discharges authorized by the Construction General Permit (CGP), which comply with Section 3.5.9 of the same:
  - (i) Dewatering of work areas of collected stormwater and groundwater (filtering or chemical treatment may be necessary prior to discharge);
  - (ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
  - (iii) Water used to control dust in accordance with COP section 3.5.5;
  - (iv) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
  - (v) Routine external building washdown that does not use detergents or other chemicals;
  - (vi) Uncontaminated groundwater or spring water; and
  - (vii) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

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

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the 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 in compliance with the provisions of this section. Discharges from existing BMP's that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

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

(6) No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the town. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2003-7, Nov. 2003, and Ord. #2014-10, Dec. 2014)

18-708. Enforcement. (1) Enforcement authority. The Town of Signal Mountain shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section. Measures authorized include:

(a) Verbal warnings - At a minimum, verbal warnings must specify the nature of the violation and required corrective action.

(b) Written notices - Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.

(c) Citations with administrative penalties - The MS4 has the authority to assess monetary penalties, which may include civil and administrative penalties.

(d) Stop work orders - Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.

(e) Withholding of plan approvals or other authorizations - Where a facility is in noncompliance, the MS4's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.

(f) Additional measures - The MS4 may also use other escalated measures provided under local legal authorities. The MS4 may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

(2) Notification of violation. (a) Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.

(b) Written notice. Whenever the Town of Signal Mountain 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 Town of Signal Mountain may serve upon such person written notice of the violation. Within ten (10) days max or as specified in the written 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 of Signal Mountain. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The Town of Signal Mountain is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

(d) Show cause hearing. The Town of Signal Mountain may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(e) Compliance order. When the Town of Signal Mountain finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, the town may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(f) Cease and desist and stop work orders. When the Town of Signal Mountain finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the Town of Signal Mountain may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith; or
- (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting operations except for terminating the discharge and installing appropriate control measures.

(g) Suspension, revocation or modification of permit. The Town of Signal Mountain may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the town. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the Town of Signal Mountain may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(h) Conflicting standards. Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the town under this ordinance, the strictest standard shall prevail. (as added by Ord. #2001-6, Dec. 2001, deleted by Ord. #2003-7, Nov. 2003, and replaced by Ord. #2014-10, Dec. 2014)

18-709. Penalties. (1) Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the Town of Signal Mountain, shall be guilty of a civil offense.

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

(3) Measuring civil penalties. In assessing a civil penalty, the Town of Signal Mountain may consider:

- (a) The 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) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the town;
- (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 town may recover:

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

(5) Referral to TDEC. Where the town has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the town has not been successful, the town may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections and two (2) warning letters. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:

- (a) Construction project or industrial facility location;
- (b) Name of owner or operator;

(c) Estimated construction project or size or type of industrial activity (including SIC code, if known);

(d) Records of communications with the owner or operator regarding the violation, including at least two (2) follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.

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

(7) 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. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2014-10, Dec. 2014)

18-710. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the town council.

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

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

(3) Appealing decisions of the town council. Any alleged violator may appeal a decision of the town council pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #2001-6, Dec. 2001, and replaced by Ord. #2014-10, Dec. 2014)

18-711. -- 18-743. Deleted. (as added by Ord. #2001-6, Dec. 2001, replaced by Ord. #2003-7, Nov. 2003, and deleted by Ord. #2014-10, Dec. 2014)

## CHAPTER 8

STORMWATER UTILITY ORDINANCE<sup>1</sup>

## SECTION

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

18-801. Legislative findings and policy. The town council finds, determines and declares that the stormwater system which provides for the collection, treatment, storage and disposal of stormwater provides benefits and services to all property within the incorporated town limits. Such benefits include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the stormwater and surface water system and its receiving waters. (as added by Ord. #2002-4, Aug. 2002)

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

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

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

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

- (2) Administer and enforce this ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility stormwater system, including, but not limited to, the quantity, quality and/or the velocity of the stormwater conveyed thereby;
- (3) Advise the town council and other town departments on matters relating to the utility;
- (4) Prepare and revise a comprehensive drainage plan for adoption by the town council;
- (5) Review plans and approve or deny, inspect and accept extensions and connections to the system;
- (6) Enforce regulations to protect and maintain water quality and quantity within the system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended;
- (7) Annually analyze the cost of services and benefits provided, and the system and structure of fees, civil penalties and other revenues of the utility. (as added by Ord. #2002-4, Aug. 2002, and replaced by Ord. #2003-8, Nov. 2003)

18-803. Definitions. For the purpose of this ordinance, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of stormwater facilities; preliminary planning to determine the economic and engineering feasibility of stormwater facilities; the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of stormwater facilities; and the inspection and supervision of the construction of stormwater facilities;

(2) "Developed property" means real property which has been altered from its natural state by the creation or addition of impervious areas, by the addition of any buildings, structures, pavement or other improvements.

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

(4) "Fee" or "Stormwater user's fee" means the charge established under this ordinance and levied on owners or users of parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the town. The

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

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

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

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

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

(9) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

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

(11) "Single family residential property" means a developed property which serves the primary purpose of providing a permanent dwelling to a single family. A single family detached dwelling or a townhouse containing an accessory apartment or second dwelling unit is included in this definition.

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

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

(14) "Stormwater management" means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading erosion, tree conservation, and sediment control.

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

(16) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes, and reservoirs.

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

(18) "Stormwater appeals board" is the board established by Town of Signal Mountain Ord. #2001-6.<sup>1</sup>

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

Town manager

Town recorder

Town engineer

Director of public utilities

Designated police department representative

Designated fire department representative

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

18-804. Funding of stormwater utility. Funding for the stormwater utility's activities may include, but not be limited to, the following:

(1) Stormwater user's fees.

(2) Civil penalties imposed for the violation of the town's stormwater management ordinance.

(3) Stormwater permit and inspection fees.

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

To the extent that the stormwater drainage fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such town funds as may be determined by the town council. (as added by Ord. #2002-4, Aug. 2002)

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

18-806. Operating budget. The town council shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service. (as added by Ord. #2002-4, Aug. 2002)

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

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

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

18-808. Rate. The stormwater management board shall establish the rate for the stormwater user's fee applicable in the town by ordinance. The rate of the stormwater user's fee shall be calculated to insure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the town. The minimum stormwater user's fee shall be established at thirty-nine dollars and sixty cents (\$39.60) per year for an impervious area of three thousand nine hundred sixty (3,960) square feet or less. The established fee for parcels with impervious areas over three thousand nine hundred sixty (3,960) square feet shall be \$.0165 per square foot. Undeveloped, vegetated land will not be charged a stormwater fee within the town. (as added by Ord. #2002-4, Aug. 2002, as replaced by Ord. #2008-11, Aug. 2008)

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

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

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

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

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

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

**THIS TAX HAS BEEN MANDATED BY CONGRESS**

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

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

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

## CHAPTER 9

FLOOD INSURANCE REGULATIONS

## SECTION

18-901. Statutory authorization, findings of fact, purpose and objectives.

18-902. Definitions.

18-903. General provisions.

18-904. Administration.

18-905. Provisions for flood hazard reduction.

18-906. Variance procedures.

18-907. Legal status provisions.

18-901. Statutory authorization, findings of fact, purpose and objectives.

(1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-19-101 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Signal Mountain, Tennessee, Mayor and Town Council do ordain as follows:

(2) Findings of fact. (a) The Town of Signal Mountain, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (C.F.R.), ch. 1, section 60.3.

(b) Areas of the Town of Signal Mountain, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this chapter are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #2010-13, July 2010)

18-902. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

1. "Accessory structure." A subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

2. "Addition (to an existing building)." Any walled and roofed expansion to the perimeter or height of a building.

3. "Appeal." A request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

4. "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1'-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

5. "Area of special flood-related erosion hazard." The land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

6. "Area of special flood hazard." See "special flood hazard area."

7. "Base flood." The flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

8. "Basement." Any portion of a building having its floor subgrade (below ground level) on all sides.

9. "Building." See "structure."

10. "Development." Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

11. "Elevated building." A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

12. "Emergency flood insurance program" or "emergency program." The program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

13. "Erosion." The process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

14. "Exception." A waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

15. "Existing construction." Any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

16. "Existing manufactured home park or subdivision." A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

17. "Existing structures." See "existing construction."

18. "Expansion to an existing manufactured home park or subdivision." The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

19. "Flood" or "flooding." A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

20. "Flood elevation determination." A determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

21. "Flood elevation study." An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

22. "Flood Hazard Boundary Map (FHBM)." An official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

23. "Flood Insurance Rate Map (FIRM)." An official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

24. "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

25. "Floodplain " or "floodprone area." Any land area susceptible to being inundated by water from any source (see definition of "flooding").

26. "Floodplain management." The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

27. "Flood protection system." Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

28. "Floodproofing." Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

29. "Flood-related erosion." The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

30. "Flood-related erosion area" or "flood-related erosion prone area." A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

31. "Flood-related erosion area management." The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

32. "Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

33. "Freeboard." A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

34. "Functionally dependent use." A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for

the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

35. "Highest adjacent grade." The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

36. "Historic structure." Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Signal Mountain, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

37. "Levee." A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

38. "Levee system." A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

39. "Lowest floor." The lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

40. "Manufactured home." A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

41. "Manufactured home park or subdivision." A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

42. "Map." The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

43. "Mean sea level." The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's flood insurance rate map are referenced.

44. "National Geodetic Vertical Datum (NGVD)." As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

45. "New construction." Any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

46. "New manufactured home park or subdivision." A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance comprising this chapter or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

47. "North American Vertical Datum (NAVD)." As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

48. "100-year flood." See "base flood."

49. "Person." Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

50. "Reasonably safe from flooding." Base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

51. "Recreational vehicle." A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

52. "Regulatory floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

53. "Riverine." Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

54. "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

55. "Special hazard area." An area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

56. "Start of construction." Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

57. "State coordinating agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

58. "Structure." For purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

59. "Substantial damage." Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged

condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

60. (a) "Substantial improvement." Any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(i) The appraised value of the structure prior to the start of the initial improvement; or

(ii) In the case of substantial damage, the value of the structure prior to the damage occurring.

(b) The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

61. "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

62. "Variance" is a grant of relief from the requirements of this chapter.

63. "Violation." The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

64. "Water surface elevation." The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #2010-13, July 2010)

18-903. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of the Town of Signal Mountain, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard in the Town of Signal Mountain, Tennessee, as identified by FEMA, and in its November 7, 2002, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Hamilton County 47065 Community ID 470078 and Panel Numbers 0195, 0211, 0212, 0213, 0214, 0326, 0327, dated November 7, 2002, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Signal Mountain, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Signal Mountain,

Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #2010-13, July 2010)

18-904. Administration. (1) Designation of ordinance administrator. The building inspector is hereby appointed as the administrator to implement the provisions of the ordinance comprising this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 18-905(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under

the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 18-904(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 18-904(2).

(h) When floodproofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 18-904(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Signal Mountain, Tennessee FIRM meet the requirements of this chapter.

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #2010-13, July 2010)

18-905. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this chapter, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 18-905(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 18-905(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level at least three feet (3') above the highest adjacent grade (as defined in § 18-902). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood

hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 18-902). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 18-904(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria:

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 18-905(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions;

must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 18-902).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 18-905(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(d) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 18-905(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 18-903(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide

supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of Signal Mountain, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 18-905(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 18-903(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 18-905(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 18-903(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 18-905(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 18-902). All applicable data including elevations or

floodproofing certifications shall be recorded as set forth in § 18-904(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 18-905(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Signal Mountain, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 18-905(1) and (2). Within approximate A Zones, require that those subsections of § 18-905(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 18-903(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 18-905(1) and (2) apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 18-905(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at

least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the administrator as set forth above and as required in accordance with § 18-904(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A99 Zones). Located within the areas of special flood hazard established in § 18-903(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A99 Zones) all provisions of §§ 18-904 and 18-905 shall apply.

(8) Standards for unmapped streams. Located within the Town of Signal Mountain, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 18-904 and 18-905. (as added by Ord. #2010-13, July 2010)

18-906. Variance procedures. (1) Board of floodplain review.

(a) Creation and appointment. A board of floodplain review is hereby established which shall consist of three (3) members appointed by the chief executive officer. The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for any unexpired term by the chief executive officer.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the board of floodplain review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of floodplain review shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Signal Mountain, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

(iii) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(A) The danger that materials may be swept onto other property to the injury of others;

(B) The danger to life and property due to flooding or erosion;

(C) The susceptibility of the proposed facility and its contents to flood damage;

(D) The importance of the services provided by the proposed facility to the community;

(E) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(F) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(G) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(H) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(I) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(J) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(iv) Upon consideration of the factors listed above, and the purposes of this chapter, the board of floodplain review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this chapter.

(v) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 18-906(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud

on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #2010-13, July 2010)

18-907. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between the ordinance comprising this chapter or any part thereof, and the whole or part of any existing or future ordinance of the Town of Signal Mountain, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of the ordinance comprising this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of the ordinance comprising this chapter which is not of itself invalid or unconstitutional. (as added by Ord. #2010-13, July 2010)