

TITLE 18

WATER AND SEWERS¹

CHAPTER

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2. SEWERS.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. STORMWATER ORDINANCE.

CHAPTER 1

WATER

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18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1976 Code, § 13-101)

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

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water main of the municipality to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the municipality's water main to and including the meter and meter box.

(4) "Discount date" means the last date upon which water bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

(7) "Department" means the Gatlinburg Water Department. (1976 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and approved by the department before connection or meter installation orders will be issued and work performed. (1976 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form of contract before service is supplied. Customers requiring the installation of special equipment by the department may be required to sign a form of contract guaranteeing a minimum charge for such period of time as may be agreed upon between the department and customer. If, for any reason, a customer, after signing a contract for water service, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish said service.

Whenever an application is made for service to premises concerning which the department knows there is a dispute as to the ownership or the right of occupancy, and one or more of the claimant's attempts to prevent such service being furnished, the department reserves the right to adopt either one of the following alternative courses:

(1) To treat the applicant in actual possession of the premises to be served as being entitled to such service, irrespective of the rights or claims of other persons.

(2) To withhold service, pending a judicial or other settlement of the rights of the various claimants. (1976 Code, § 13-104)

18-105. 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 used. (1976 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the municipality from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the department.

Before a new service line will be laid by the municipality, the applicant shall pay a tap fee in the following amounts with the department.

(1) <u>WATER METER SIZE</u>	<u>TAP FEE</u>
5/8" or 3/4"*	\$ 750.00
1" or Larger	1,500.00 per inch diameter of water meter
Fire Line Service*	700.00 per inch diameter of service line

For water service outside the corporate limits, the tap fee amounts shall be two times the above.

*The tap fee does not include the cost of service assembly, i.e. connecting to main water line and furnishing and installing service line, meter, meter box, yoke, fittings, pavement repair, or other restoration work, all of which is to be borne by the customer requesting the service.

(2) When a service line is completed, the department shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer even though the meter and meter box are located within said property line.

(3) Public schools shall be exempt from the requirement for paying tap fees as set forth in this section. (1976 Code, § 13-106, as amended by Ord. #2193, Sept. 1999, and replaced by Ord. #2317, May 2004, and amended by Ord. #2393, Aug. 2008)

18-107. Main extensions to developed areas. The provisions of this section shall apply only to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotions, even though accompanied by the erection of occasional houses within areas.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the department the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension. The connection charge shall be paid and the agreement to pay the minimum monthly bill shall be signed before the work is begun. The department reserves the right to require an advance cash deposit as security for such minimum bill agreement in an amount not to exceed the estimated cost of the main extension.

Beginning with the completion of the water main extension, such persons shall pay to the department water bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the department. Where these minimum bill agreements require a minimum bill or bills in excess of the minimum bill prescribed by the regular rate schedule of the department, such excess portion of the minimum bill or bills shall be reduced by the amount of the minimum bill assumed by each additional customer who connects to the extension. Such reduction will be prorated among the persons liable for the excess minimum bills. No such reduction shall be made except during months when such new customer pays at least a minimum monthly water bill. (1976 Code, § 13-107)

18-108. Main extensions to undeveloped areas. The provisions of this rule shall apply to all areas to which § 18-107 is not applicable.

Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

The size, type and installation of water mains pursuant to this rule must be approved by the department. All such mains shall be constructed either by the department's forces or by other forces working directly under the supervision of the department. In the event of the work being done is by the water department an advance deposit may be required in an amount not to exceed the estimated cost of the proposed extension.

Upon the completion of such extensions and their approval by the department such water mains shall become the property of the department; and the persons paying the cost of constructing such mains shall execute any written instruments requested by the department to provide evidence of the department's title to such mains.

In consideration of such mains being transferred to the department, said mains shall be incorporated as an integral part of the water system and the department shall furnish water therefrom in accordance with its rules, regulations and rate schedules, subject always to such limitations as may exist because of the size and elevation of said mains.

As a further consideration, the department shall, for a period of five years (and no longer), repay to the person or persons who pay the cost of such a water main extension in the amount of the then existing tap fee charge for each new service line connection attached to said extension within a five-year period. The total payments for new service connections shall in no event exceed the cost of said extension to the person or persons who paid therefor. Payment for new connections shall not include those of a temporary nature such as circuses, fairs, temporary construction and other temporary requirements for water service.

No payment shall be made for service line connections not made directly to the water main extension in question, even though such service line connections are made to a main extending from, or receiving water through, the main extension in question.

The cost of any extension of water mains and/or service lines which are installed pursuant to this section shall be paid in full by the property owners and/or developers. Repayments will not be made except as provided herein.

The size, type and installation of such water mains must be approved by the department. All such mains shall be constructed either by the department's forces or by other forces working directly with the water department.

All pipe used for such water mains shall be of such type and size as determined by the department.

If such water main extension is to be made by the water department's forces, the customer must deposit with the department, in advance of any work, a sum equal to the estimated cost of the extension. All such estimates shall be made by the department. After the completion of the work, any difference in the actual and estimated cost will be refunded or billed additional, as the case may be.

Upon completion of such water main extensions and their approval by the water department, such water mains shall become the property of the water department. (1976 Code, § 13-108)

18-109. Variances from and effect of preceding rules as to extensions. Whenever the water department is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by the department.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons, even though such prospective customers meet all of the requirements contained in §§ 18-107 and 18-108 so as to authorize the department to make a main extension. (1976 Code, § 13-109)

18-110. Meters. Any customer shall have the right to purchase and furnish a meter, provided such meter meets the requirements and standards of new meters then being installed by the city. When a customer furnishes his own meter, it shall remain the property of the customer. The city will test, repair, and maintain the meter, but the customer shall be responsible for the cost of such maintenance and repair. No one shall tamper with or work on a water meter without the written approval of the water department. No one shall cause water to pass through or around a water meter without the passage of such water being registered fully by the meter. (1976 Code, § 13-110)

18-111. Meter tests. The municipality will, at his 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 be within the accuracy limits as stated in the ANSI/AWWA C700 Standards for Cold Water Meters.

The municipality 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 cost of such meter test shall be borne by the customer.

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1976 Code, § 13-111, modified)

18-112. Schedule of rates. (1) For water furnished entirely within the corporate limits of the City of Gatlinburg, effective on the first billing after October 1, 2009:

2,000 gallons per month or less \$6.10

For all amounts over 2,000 gallons, the rate shall be \$3.05 per 1,000 gallons.

The minimum monthly bill shall be as follows:

<u>Water Meter Size</u>		<u>Minimum Water Bill</u>
5/8" to 3/4"	0-2000 Gal.	\$ 6.10
1" Meter	0-2000 Gal.	15.60
1 - 1/2" Meter	0-2000 Gal.	20.80
2" Meter	0-2000 Gal.	20.80
3" Meter	0-2000 Gal.	31.20
4" Meter	0-2000 Gal.	41.60
6" Meter	0-2000 Gal.	62.40
8" Meter (and above)	0-2000 Gal.	93.60

(2) For water furnished entirely within the corporate limits of the City of Gatlinburg, effective on the first billing after October 1, 2010:

2,000 gallons per month or less \$6.28

For all amounts over 2,000 gallons, the rate shall be \$3.14 per 1,000 gallons.

The minimum monthly bill shall be as follows:

<u>Water Meter Size</u>		<u>Minimum Water Bill</u>
5/8" to 3/4"	0-2000 Gal.	\$ 6.28
1" Meter	0-2000 Gal.	16.07
1 - 1/2" Meter	0-2000 Gal.	21.42

<u>Water Meter Size</u>		<u>Minimum Water Bill</u>
2" Meter	0-2000 Gal.	21.42
3" Meter	0-2000 Gal.	32.14
4" Meter	0-2000 Gal.	42.85
6" Meter	0-2000 Gal.	64.27
8" Meter (and above)	0-2000 Gal.	96.41

(3) For water furnished entirely within the corporate limits of the City of Gatlinburg, effective on the first billing after October 1, 2011:

2,000 gallons per month or less \$ 6.46

For all amounts over 2,000 gallons, the rate shall be \$3.23 per 1,000 gallons.

The minimum monthly bill shall be as follows:

<u>Water Meter Size</u>		<u>Minimum Water Bill</u>
5/8" to 3/4"	0-2000 Gal.	\$ 6.46
1" Meter	0-2000 Gal.	16.55
1 - 1/2" Meter	0-2000 Gal.	22.06
2" Meter	0-2000 Gal.	22.06
3" Meter	0-2000 Gal.	33.10
4" Meter	0-2000 Gal.	44.14
6" Meter	0-2000 Gal.	66.20
8" Meter (and above)	0-2000 Gal.	99.30

(4) In addition to the above, there is hereby imposed a one dollar (\$1.00) administrative charge for all water accounts. This administrative charge shall also cover a combined water and sewer account.

(5) In order to defray the additional cost, a charge of fifty cents (\$0.50) per one thousand (1,000) gallons of water used is hereby added to all customers at or above an elevation of one thousand seven hundred fifty feet (1,750') above sea level.

(6) For water furnished to premises upon which any water faucet or other outlet is outside the corporate limits of the City of Gatlinburg, the above rates and minimum bills shall be increased by twenty-five percent (25%).

(7) For each main sprinkler connection of six inch (6") diameter or smaller, the rate shall be fifty dollars (\$50.00) per year plus five cents (\$0.05) per year for each sprinkler outlet in excess of five hundred (500). For each sprinkler connection of eight inch (8") diameter, the rate shall be seventy dollars (\$70.00) per year plus five cents (\$0.05) per year for each sprinkler outlet in excess of five hundred (500). Yearly charges for sprinkler connections shall be paid one-twelfth (1/12th) per month.

(8) For each unmetered fire hose closet or fire hose connection, the rate shall be five dollars (\$5.00) per year, and yearly charges for fire hose connections shall be paid one-twelfth (1/12th) each month.

(9) All water used by other departments of the city shall be metered or otherwise accounted for and paid for at the above rates.

(10) The City of Gatlinburg shall pay to the water department a fire service charge at the rate of forty-five dollars (\$45.00) per year for each public fire hydrant, the total yearly charge being payable one-twelfth (1/12th) each month. (1976 Code, § 13-112, as replaced by Ord. #2416, Sept. 2009)

18-113. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charge for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1976 Code, § 13-113)

18-114. Billing. All rates are net, the gross rate shall be ten percent (10%) higher.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality.

Water bills and sewer bills must be paid jointly on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply.

Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before the discount date, service may be discontinued without further notice. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available. (1976 Code, § 13-114)

18-115. Discontinuance or refusal of service. The department shall have the right to discontinue service or refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.
- (4) The payment of any obligation due the department, including any required deposit.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

The city shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, company or firm to which such service is furnished, is in default in the payment of any obligation to the city or has heretofore had his service disconnected because of a violation of the rules and regulations of the city.

If the city should for any reason begin to render service to an applicant to whom the city has a good and valid reason for refusing to render such service, the city shall have the right to discontinue such service at any time within one year after such service is begun, even though such customer does nothing to justify the discontinuance of service during the time such service is being rendered. (1976 Code, § 13-115)

18-116. Reconnection, minimum bill and service charges.

(1) When service is disconnected for non-payment, a \$50.00 reconnection fee shall be charged to reconnect service in addition to the outstanding bill, if any, on said account before water service is restored.

(2) There shall be imposed a service charge of \$25.00 to disconnect water service made at the request of the customer or on a seasonal basis.

(3) All residences and businesses shall be required to pay a minimum bill during any month that they are closed whether or not water service is disconnected.

(4) All residences and businesses which have water service available from the City of Gatlinburg, whether or not used, shall be required to pay a

minimum monthly charge for said availability, said charge being equal to the minimum monthly water bill. (1976 Code, § 13-116)

18-117. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise and the city shall have the right to continue such service not to exceed 10 days from receipt of notice. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

Under no circumstance will the continuance or discontinuance of service be used as a means of forcing the occupant of the premises to surrender possession thereof.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten days after receipt of such written notice, during which time the customer shall be responsible to the city for all charges for such service. If the city should continue service after such ten day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible to the city for such charges for any service furnished after the expiration of such ten day period.

(2) During such ten day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city rules and regulations. (1976 Code, § 13-117)

18-118. Access to customers' premises. The water department'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 municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1976 Code, § 13-118)

18-119. Inspections. The municipality may, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any

special contract, these rules and regulations, or other requirement of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1976 Code, § 13-119)

18-120. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connection, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1976 Code, § 13-120)

18-121. Customer's responsibility for violations. Where the municipality furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1976 Code, § 13-121)

18-122. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality 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 municipality. (1976 Code, § 13-122)

18-123. Unauthorized use or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves,

hydrants, spigots, or fire plugs without permission or authority from the department. (1976 Code, § 13-123)

18-124. Limited use of unmetered private fire line. Where a private fire line or sprinkler system 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 department.

All private fire hydrants may be sealed by the municipality 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 municipality a written notice of such occurrence. (1976 Code, § 13-124)

18-125. Damages to property due to water pressure. The municipality 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 municipality's water mains. (1976 Code, § 13-125)

18-126. Liability for cutoff failures. The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a water service, the municipality has failed to cut off such service.

(2) The municipality has attempted to cut off a service but such service has not been completely cut off.

(3) The municipality has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the municipality's main.

Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1976 Code, § 13-126)

18-127. Restricted use of water. In times of emergencies or in times of water shortage, the municipality 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. (1976 Code, § 13-127)

18-128. Interruption of service. The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality 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 system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality 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. (1976 Code, § 13-128)

18-129. Connections with fire hydrant. Water may be obtained from municipal fire hydrants with the permission of the water department, provided the permittee shall comply with the following conditions:

(1) No wrench shall be used to open the fire hydrant outlet except by one approved by the water department.

(2) The main valve of the hydrant is to remain open at all times during the operation and water shall be regulated through a reduced coupling and independent valve.

(3) No leakage of water shall be permitted from the fire hydrant.

(4) The use of a hydrant to fill a truck, tanker or any other receiving vessel shall be by means of an approved air-gap or other means acceptable to the utility manager, so as to protect against backflow. (1976 Code, § 13-129, modified)

18-130. Definitions. For the purposes of §§ 18-130 through 18-136, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the text, words used in the present tense include future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Gatlinburg.

(2) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

(3) "Water" is water from the city water supply system. (1976 Code, § 13-130)

18-131. Application for regulations. The provisions of §§ 18-130 through 18-136 inclusive shall apply to all persons using water both in and outside the city, and regardless of whether any person using water shall have a contract for water service with the city. (1976 Code, § 13-131)

18-132. New construction and renovation. Any new construction, renovation, remodeling or replacement of plumbing fixtures in a commercial

establishment from and after the effective date of this chapter shall be required to make use of water saving devices including water closets, showers, bathroom and kitchen faucets and plumbing fixtures. Such water saving devices shall be approved by the city manager or his designee as being a water saving type and said approval shall be required prior to the installation of same. (1976 Code, § 13-132)

18-133. State of emergency. The city commission is hereby authorized and empowered to declare a state of emergency, at any time hereafter when same may appear to be necessary or advisable for the general welfare and benefit of the municipality, relative to the use or consumption of water furnished by the municipal water system to its users, customers or consumers. When a state of emergency has been declared, the city manager is hereby authorized, empowered, and directed to immediately restrict, prohibit and regulate the use

and consumption of all water by all of the city's users, customers and/or consumers in such a manner, to such an extent, and for such a length of time as is necessary or advisable for the general welfare and benefit of the municipality. (1976 Code, § 13-133)

18-134. Certain uses prohibited. When an emergency is declared, the use and withdrawal of water by any person for the following purposes is hereby prohibited:

(1) Water yards. The sprinkling, watering or irrigating or shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation.

(2) Washing mobile equipment. The washing of automobiles, trucks, trailers, trailer houses, or any other type of mobile equipment.

(3) Cleaning outdoor surfaces. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.

(4) Cleaning buildings. The washing of the outside of dwellings; the washing of the inside and outside of office buildings.

(5) Cleaning equipment and machinery. The washing and cleaning of any business or industrial equipment and machinery.

(6) Ornamental fountains. The operation of any ornamental fountain or other structure making a similar use of water, not employing a recirculating system.

(7) Swimming pools. Swimming and wading pools not employing a filter and recirculating system.

(8) Escape through defective plumbing. The escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair and which will include defects in swimming pools and fountains.

(9) Air conditioning. Use of air conditioning equipment requiring water, not employing a recirculating system.

(10) Restaurant service. Drinking water will not be served with meals unless specifically requested by the customer. (1976 Code, § 13-134)

18-135. Enforcement. Every police officer of the city shall, in connection with his duties imposed by law, diligently enforce the provisions of this chapter. The city manager shall have the authority to enforce the provisions of this chapter by the discontinuance of water service in the event of violation hereof in addition to the penalties set out herein above. (1976 Code, § 13-135)

18-136. Penalties. Any person who shall violate the provisions of §§ 18-130 through 18-136, inclusive, shall be subject to a civil penalty of up to five hundred dollars (\$500.00) for each and every offense. (1976 Code, § 13-136, modified)

18-137. Utility deposits. A deposit shall be required of all water and sewer customers, due upon application for service. Said deposit shall be security for payment of all charges for services in this title, including water, sewer and solid waste. The deposit amounts are as follows:

(1) Residential. An amount equal to two and one-half times the actual or estimated maximum monthly utility bills or a minimum of one hundred twenty-five dollars (\$125.00) per dwelling.

(2) Hotels/motels. An amount equal to two and one-half times the actual or estimated maximum monthly utility bills or a minimum of seventy-five dollars (\$75.00) per unit.

(3) Restaurant. An amount equal to two and one-half times the actual or estimated maximum monthly utility bills or a minimum of seventy-five dollars (\$75.00). Deposits on new restaurants or comparable facility will be based on an existing facility within the system, with comparable seating capacity in accordance with the above requirements. All new services will be subject to review and adjustment of deposits after twelve (12) months.

(4) All others. In the event an establishment is constructed, not covered in the above categories, same will be subject to deposit based on two and one-half (2 1/2) times the usage of a facility that closest resembles that being constructed.

The amount of the deposit may be adjusted upward by the finance director or the utility supervisor if the actual usage increases. Existing deposits may also be adjusted based on renovations, expansions, etc. if the usage of utilities increases or will increase as a result of such activity.

The deposit may be made in the form of cash or check of, if the required deposit exceeds the sum of two hundred fifty dollars (\$250.00), the deposit may

be made in the form of an irrevocable letter of credit, escrowed certificate of deposit, savings account, or surety bond.

The deposit required above may be used to pay any delinquent water, sewer, or solid waste charge imposed pursuant to this title. (1976 Code, § 13-137, as amended by Ord. #2395, Aug. 2008)

18-138. Add-on fees. In addition to the water meter tap fees set forth in § 18-106(1), the following additional fees shall be charged.

Duplex, triplex, condos, PUD's or other similar type multi-unit residential complex	\$375.00 per water closet in excess of two, not located in public common areas
Motels and hotels	\$375.00 per water closet in excess of two, not located in public common areas
Restaurants	\$30.00 Per Seat
Self-service laundries	\$150.00 Per Washer
Service stations	\$225.00 Per Pump
Theaters, movie/live performance	\$7.50 Per Seat
Shopping centers/comm. stores, similar developments	\$30.00 Per 1,000 Ft. Floor Space
Mobile home parks, single ownership	\$400.00 Per Each Additional Unit
Car wash	\$1,500.00 Per Bay
Campgrounds	\$100.00 Per Site
Single family residential unit	\$375.00 per water closet in excess of two

(Ord. #2193, Sept. 1999, as amended by Ord. #2265, March 2002, and Ord. #2393, Aug. 2008)

CHAPTER 2**SEWERS****SECTION**

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18-201. Purpose of chapter. The general purpose of this set of rules and regulations is to set forth and provide for the rightful and proper use or uses of the facilities of the City of Gatlinburg for the collection and disposal of sewage. To accomplish this purpose, all users of the facilities of the City of Gatlinburg for the collection and disposal of sewage must comply with the rules and regulations presented hereinafter.

(1) To establish rates and a uniform procedure in the levying of the service and improvement charges to maintain equity in the billing throughout the area of service.

(2) Prohibit the contribution of wastewater which may cause operational or maintenance difficulties or deteriorations in the sewers, force mains, pumping stations, sewage treatment plant and other structures appurtenant to the treatment and collection system.

(3) Establish control in the contribution of wastewater which requires greater treatment expenditures than are required for equal volumes of normal domestic waste.

(4) Establish a uniform procedure for design, installation, inspection, operation and maintenance of private wastewater treatment and disposal systems, extensions of public sewer systems, laterals and connections to sewer mains.

Furthermore, these rules and regulations are a part of all residential, commercial, industrial and public contracts for receiving sewage collection and treatment service from the City of Gatlinburg and apply to all such service received from the city whether the service is based upon contract, agreement, signed application or other mutual understanding. (1976 Code, § 13-201)

18-202. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this policy shall be as follows:

(1) “City” shall mean the Board of Commissioners of the City of Gatlinburg, acting through its city manager, employees and other agents authorized to conduct business on behalf of the commissioners.

(2) “Superintendent” shall mean the Superintendent of the Wastewater System of the City of Gatlinburg, or the authorized deputy, agent or representative of the superintendent.

(3) “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under

standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

(4) “C.O.D.” (Chemical Oxygen Demand) shall mean the quantity of oxygen utilized in the rapid oxidation of organic matter by a strong standard chemical oxidant in accordance with “Standard Methods”, expressed in milligrams per liter.

(5) “Color” shall be measured by Nessler Tube Colorimeter utilizing a standard platinum cobalt color wheel for the determination of color in water.

(6) “Chlorine demand” shall mean the amount of chlorine required to produce a free chlorine residual after thirty minutes contact time, expressed in milligrams per liter.

(7) “Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(8) “Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, excepting force mains, sewage pumped or under pressure, see subsection (39).

(9) “Combined sewer” shall mean a sewer receiving both surface runoff and sewage.

(10) “Wastewater department” shall mean the agency of the city charged with operating its sewage treatment plant, its authorized employees and agents.

(11) “Gatlinburg Utility Service Area” shall mean those areas authorized to receive sewer service from the City of Gatlinburg.

(12) “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.

(13) “Industrial wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from domestic sewage.

(14) “Natural outlet” shall mean any outlet into a water-course, pond, ditch, lake or other body of surface or groundwater.

(15) “Person” shall mean individual, firm, company, association, society, corporation, or group. This term shall be synonymous with user.

(16) “ph” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(17) “Properly shredded garbage” shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(18) “Public sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(19) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

(20) "Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions and industrial establishments; together with such ground, surface and stormwaters as may be present.

(21) "Wastewater" - synonymous with "sewage".

(22) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(23) "Wastewater treatment plant" - synonymous with "Sewage Treatment Plant".

(24) "Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(25) "Sewer" (same as public sewer) shall mean a pipe or conduit for carrying sewage, manholes, and other physical systems that provide a path for wastewater to the sewage plant.

(26) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow, exceed for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(27) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(28) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(29) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(30) "Connection" shall mean any physical tie or hookup made to a sewer owned, operated and maintained by the City of Gatlinburg.

(31) "Permit" shall mean written authorization from the superintendent of wastewater, or his authorized agents and employees, to make connection with or opening into, use, alter, or disturb a public sewer or appurtenance.

(32) "User" shall mean any occupied property or premise having a connection to the sewer system or having access thereto.

(33) "User charge" shall mean a charge to assure that each recipient of sewerage treatment services will pay its proportionate share of the costs of operation and maintenance of all waste treatment services provided by the city.

(34) "Compatible wastes" shall mean such wastes or Bio-chemical Oxygen Demand, settleable solids, total suspended solids, and nitrogen as defined in Table I, § 18-218(5)(k).

(35) "Incompatible wastes" shall mean the wastes that are not compatible, and as specified in Table I, § 18-218(5)(k).

(36) "Normal domestic sewage" shall be as regarded "normal" for the city. Normal domestic sewage shall contain a daily average of not more than

300 milligrams per liter of B.O.D. and not more than 300 milligrams per liter of suspended solids.

(37) “Industrial user” shall mean any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under the following divisions:

- (a) Division A, Agriculture, Forestry, and Fishing.
- (b) Division B, Mining.
- (c) Division D, Manufacturing.
- (d) Division E, Transportation, Communications, Electric, Gas and Sanitary Services.

(38) “Standard methods” shall mean the “Standard Methods for the Examination of Water and Wastewater”, latest edition, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Association.

(39) “Force main” shall mean any building drain conveying wastewater to a city sewer entirely or partially by means of pump or pressure, or by any means other than gravity flow. (1976 Code, § 13-202)

18-203. Use of public sewers required. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where a Federal National Discharge Elimination System (NPDES) permit has been duly issued and is currently valid for such discharge. In all other instances, suitable treatment must be provided in accordance with provisions of this chapter. (1976 Code, § 13-203)

18-204. Unlawful discharge. 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. (1976 Code, § 13-204)

18-205. Places required to have sanitary disposal. (1) The owner of all houses, buildings or structures for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or when in the future is located, a public sanitary sewer of the city, is hereby required at the owner’s expense to install sanitary facilities directly with the proper public sewer in accordance with the provisions of this policy, within one hundred eighty (180) days after date of official notice to do so, unless the owner can provide written proof that he has been unable to secure the connection because of delays beyond his control, inability to obtain a contractor, or other valid reasons.

(2) The city shall combine charges for sewer and water service in one statement and shall bill the beneficiary of such services in such manner as to

require the payment of both charges as a unit, and to enforce the payment of such charges by discontinuing either water service, or sewer service, or both. The city shall not accept payment of water services charges from any person without receiving at the same time, payment of any sewer service charges owed by such person. (1976 Code, § 13-205)

18-206. Private sewage disposal. (1) The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Sevier County Health Department. Prior to commencing construction of a private sewage disposal system, the owner shall obtain a written permit signed by the superintendent; a permit and inspection fee of twenty-five dollars (\$25.00) shall be paid to the city at the time the application is filed. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and the applicant for the permit shall notify the superintendent when the work is to begin, when it is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the superintendent.

(2) The type, capacity, location and layout of a private sewage disposal system shall comply with all the recommendations of the Department of Health of the State of Tennessee. No permit shall be issued for any private sewage disposal system employing sub-surface soil absorption facilities when the area of the lot is less than 15,000 square feet, (1393.5 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(3) When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewer disposal system shall be cleaned of sludge and filled with gravel or dirt; or adapted to such other use as is acceptable to the superintendent. (1976 Code, § 13-206)

18-207. Owner to maintain. The owner shall operate and maintain the private sewage disposal facility in a sanitary manner at all times, at no expense to the city. (1976 Code, § 13-207)

18-208. Additional requirements. County and state health officers shall have final authority to assess requirements on the construction and use of said private disposal system. (1976 Code, § 13-208)

18-209. Building sewers and connections. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the superintendent of the wastewater department or those delegated by him to issue said permit. (1976 Code, § 13-209)

18-210. Permits. (1) Upon application for a permit to tap the city sewage collection system, and a determination that adequate service is available to accommodate the requirements of the tap, the city shall make the tap and extend the service connection to the edge of the public right-of-way or to the property line of the applicant, whichever is closer to the point of the tap. At that point, the city shall install a cleanout, to grade, compact and backfill the trench and repave the street, as applicable. Maintenance of this service extension shall be by the city.

(2) From that point, the applicant shall extend the service as necessary to accommodate his requirements, according to his previously approved plan and in compliance with the plumbing code of the city.

(3) Application for sewer taps shall be made at the Department of Community Development, accompanied by an accurate plan showing the location of the tap and all relevant elevations.

(4) The following tap fee shall be paid at the time of the approval of the application and before any work is done. The tap fee shall be determined by the size of the water meter serving the property in question.

<u>WATER METER SIZE</u>	<u>TAP FEE</u>
5/8" or 3/4"*	\$ 750.00
1" or larger*	\$1,500.00 per inch diameter of water meter

*The tap fee does not include the cost of service assembly, i.e. connecting to main line and furnishing and installing service line, fittings, pavement repair, or other restoration work, all of which is to be borne by the customer requesting the service.

For sewer service outside the corporate limits, the tap fee amounts shall be two times the above.

(5) [Deleted.]

(6) The sewer tap fee is in addition to any plumbing permit fee charged for the work from the end of the city's work.

(7) The city's costs which are to be reimbursed by the applicant, shall include, but not be limited to:

- (a) Labor (including fringe benefits and overtime);
- (b) Materials;
- (c) Vehicles and equipment (owned or hired);

- (d) Supervision;
- (e) Sub-contracts;
- (f) Backfill material;
- (g) Paving;
- (h) Sidewalk replacement; and
- (i) Street restriping, etc.

(1976 Code, § 13-210, as amended by Ord. #2194, Sept. 1999, and Ord. #2316, May 2004)

18-211. Installation. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (1976 Code, § 13-211)

18-212. Sewer required for each building. 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 building and the whole considered as one building sewer. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this policy. (1976 Code, § 13-212)

18-213. Construction requirements. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the Standard Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.F.C. Manual of Practice, No. 9, shall apply. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. 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.

(1) Building sewers shall be not less than four (4) inches in diameter and shall be laid with a slope (grade) of not less than 1/4 inch per foot. Building sewers shall be laid in the most direct course possible. They shall be installed in a straight line and on uniform grade, with a minimum cover of 18 inches. Wye type cleanouts shall be installed on all building sewers at the property line or any bend, and before entering the structure to be served. Only approved standard fittings shall be used.

(2) Only the following types of pipe are acceptable for building sewers:

Extra Heavy Cast Iron or Ductile Iron Soil Pipe shall comply with Commercial Standard CS188-59, with a coal tar pitch coating and rubber gasket type joints.

Extra Strength Vitrified Clay Pipe shall comply with ASTM Des. 0200-687. Pipe joints shall be resilient gaskets, C425-667, Type III.

Polyvinyl Chloride (PVC) Plastic Drain, Waste and Vent Pipe (DWV) Pipe shall comply with ASTM D 2665 Schedule 40, and may be jointed with solvent cement.

Extra strength Concrete Pipe shall comply with ASTM C14-69, except as modified herein, the minimum wall thickness for four (4) inch pipe shall be 1-1/4 inches, and the absorption shall not exceed 6.5 percent. Joints shall be O-ring rubber gasket type conforming to ASTM DEs. C-443.

(3) All force mains shall be constructed of ductile iron or steel pipe. The superintendent shall have the right to establish the quality, standard, size and other conditions which reasonably relate to the integrity of said line from freeze, damage, contamination of groundwater or creating of public nuisance. (1976 Code, § 13-213)

18-214. Construction standards. (1) The connection of the building sewer into the public sewer shall conform to the requirements of the Standard Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in the appropriate specifications of the A.S.T.M. and the W.P.F.C. Manual of Practice, No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved in writing by the superintendent before installation.

(2) An applicant obtaining a permit to connect to the city sewer shall supply information, plans, and specifications as shall be required by the superintendent. The installation of said building sewer must be made in the manner as finally approved by the superintendent.

(3) A permit for connection to the city sewer system is issued conditionally, and shall not become effective until the installation of the building sewer required to connect the applicant's property to the sewer system is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. Twenty-four (24) hours notice shall be given said superintendent and his inspection shall be made within that time. The connection to the city sewer shall be made either by the superintendent, or persons approved by him. Where connection to a city sewer has been made without a permit and/or approved inspection, then it shall be the right and duty of said superintendent to uncover said connection for inspection and reconnection if same is not proper. The costs of doing so shall be assessed against the landowner, user, and/or permittee, when one exists, and constitute a lien against said property. In addition to the above remedy, the city reserves

the right to proceed under § 18-245, upon written notice from the superintendent to the user and/or applicant that the above conditions have been violated.

Every permit issued under this act is subject to revocation, if in the opinion of the superintendent, the installation of the user's building sewer and/or sewer tap connection do not meet the requirements of this code, or plans and specifications agreed to at the time the permit was issued. In that event, a stop work order will be issued by the superintendent and work will not be resumed until a new permit is issued. (1976 Code, § 13-214)

18-215. Safety requirements. 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 city and/or superintendent. (1976 Code, § 13-215)

18-216. Use of public sewers. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Car wash bays, refuse container pads, and other similar areas that are outside or otherwise exposed to the outside environment that have drains connected to the sanitary sewer must be protected from the inflow of rainwater and runoff water by being properly covered overhead. Outside the immediate basin area, the grade shall be sloped away from the drain, and a curb or berm shall divert surface water away from the drain. (1976 Code, § 13-216, modified)

18-217. Stormwater and unpolluted drainage. 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 Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer or a natural outlet. (1976 Code, § 13-217)

18-218. Prohibited discharges. No person shall discharge or cause to be discharged any of the following, but not limited to, described waters or wastes to any public sewer. The admission of any of the wastes described in this section to the extent and degree forbidden or excluded shall subject such person or user to such corrective action or remedy as is available to the city, and penalties described in § 18-245.

(1) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes,

to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create a hazard in the receiving waters of the sewage treatment plant.

(3) Any waters or wastes having a pH higher than 9.0 or lower than 5.5, or having other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, air and fleshings, entrails, milk containers, paper dishes, cups, paper and plastic products such as plates, cups, forks, knives, spoons, straws, butter pats, either whole or ground by garbage grinders, and degreasers such as sulfuric acid, or solvents.

(5) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F. or 65° C.

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of fifty milligrams per liter (50 mg/l) or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65°C). Admittance of grease, oils, wax or fats to any extent into the sewer system shall be conditioned on the user supplying an inspection manhole satisfactory to the superintendent, downstream from the user's building drain, grease traps or other collectors.

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(e) Any waters or wastes containing objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such materials received in the composite sewage

treatment works exceed the limits established by the superintendent and/or the Division of Sanitary Engineering, and Tennessee Department of Health, for such materials.

(f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, and other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.0.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate.)

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual Biochemical Oxygen Demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" and defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Any waters or wastes exceeding the following standards:

(l) The admission of any incompatible wastes listed in Table I shall not be admitted to any degree into the sewer system without first obtaining the consent of the superintendent. The superintendent shall first determine the daily average maximum concentration (mg/l) and instantaneous maximum concentration (mg/l) of the listed incompatible wastes, as well as any other toxic or hazardous materials that a user may discharge into the sewer system. The values listed are the maximum that may be admitted and approved by the superintendent to admit said incompatible, toxic or hazardous wastes shall be conditioned on the user supplying an approved inspection manhole downstream from the user's building drain, grease trap or other collection device. The object of these requirements is to enable the city to verify quality and quantity of discharges into the sewer system. The superintendent shall refer to

appropriate Tennessee State Department of Health regulations to determine whether the toxicity or hazardous qualities, as well as the maximum strengths, of any wastewaters are admissible into the sewer system.

TABLE I

MAXIMUM EFFLUENT STANDARDS FOR DISCHARGE OF WASTES
INTO THE MUNICIPAL WASTEWATER SYSTEM

<u>Constituent</u>	<u>Daily Average¹ Maximum Concentration (mg/l)</u>	<u>Instantaneous Maximum Concentration mg/l)</u>
<u>Compatible wastes:</u>		
Biochemical Oxygen Demand (BOD)	350*	400
Settleable Solids (ml/l)	15*	20
Total Suspended Solids	300*	400
Nitrogen (Total Kjeldahl)	20*	40
<u>Incompatible wastes:</u>		
Antimony	5.0	8.0
Arsenic	1.0	1.5
Barium	35.0*	50.0
Boron	0.2*	1.0
Cadmium	BDL*	0.02
Chromium, Total	0.5*	1.0
Cobalt	10.0	15.0
Copper	0.1*	0.5
Cyanide	0.2	0.2
Fluoride	45.0	70.0
Iron, Total	45.0	70.0
Lead	BDL*	0.1
Magnesium	10.0	15.0
Manganese	1.0	1.5
Mercury	0.1	0.2
Nickle	0.1*	0.5
Phosphorus (Total P)	10.0	15.0
Potassium	10.0	15.0
Selenium	0.1	0.2
Silver	1.0	1.5

<u>Constituent</u>	<u>Daily Average¹ Maximum Concentration (mg/l)</u>	<u>Instantaneous Maximum Concentration mg/l)</u>
<u>Incompatible wastes: (con't)</u>		
Strontium	30.0	50.0
Tin	10.0	15.0
Titanium	3.0	5.0
Zinc	0.1*	0.5
Pesticides	BDL**	
Phenols	10.0	15.0
Surface Active Agents (as MBAS Non- Biodegradeable	5.0	8.0
Hexane or Ether Soluble Substances	100.0	150.0
Total Oil, Grease Wax & Fats	50.0	

*Must satisfy conditions established by Table II in order for user to discharge levels stipulated in Table I.

**BDL - Below detectable Limit.

¹Based upon 24-hour flow proportionate composite samples.

TABLE II

MAXIMUM CONCENTRATION IN WASTEWATER TREATMENT
PLANT INFLUENT

<u>Constituent</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>
<u>Compatible Wastes:</u>	
Biochemical Oxygen Demand (BOD)	400
Settleable Solids	20
Total Suspended Solids	250

<u>Constituent</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>
Nitrogen (Total Kjeldahl)	25
<u>Incompatible Wastes:</u>	
Boron	0.2
Cadmium	Below detectable Limit
Chromium (Hexavalent)	0.4
Chromium (Total)	1.0
Copper	0.1
Cyanide	0.2
Lead	Below detectable Limit
Nickle	0.1
Zinc	0.1
(1976 Code, § 13-218)	

18-219. Treatment of prohibited wastes. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possesses the characteristics enumerated in § 18-218; and which in the judgment of the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rate of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges under the provisions of § 18-223, subsection (2).

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances and laws. (1976 Code, § 13-219)

18-220. Grease and oil. Grease, wax, oil and sand trap collectors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of harmful ingredients; except that such collectors shall be

of a type and capacity approved by the superintendent; and shall be located as to be readily and easily accessible for cleaning, pumping and inspection.

Grease traps are required at all commercial sources. Generally, this includes but is not limited to, sinks, dishwashers, spray off sinks, garbage grinders, grease racks, and floor drains. Floor drain traps are required for all new installations after August 1, 1983. An establishment can elect to provide one grease trap for all grease sources provided the one trap is sized to accommodate all flows simultaneously. Grease traps are to be plumbed so as to avoid receiving sanitary sewage. Inspection manholes will be provided as described in § 18-222.

For purposes of sizing grease traps, one for each source, the following guidelines are provided for determining flow rate (Q):

<u>Floor Drain System:</u>	7 gallons per minute (gpm).
<u>Spray Off Sink:</u>	4 gpm.
<u>Garbage Grinders:</u>	7 gpm.
<u>Spray Off Plus Grinder:</u>	7 gpm.
<u>Dishwashers:</u>	35 gpm.
<u>Sinks:</u>	35 gpm one compartment sink.
	50 gpm two compartment sink.
	75 gpm three compartment sink.

Flow rates lower than those presented can be accepted by the superintendent based upon equipment size and types if justified or based upon actual testing of installed units. For background information and testing procedures, the applicant is referred to "Section II-D, Flow Studies, Gatlinburg Grease Ordinance Studies" by Dennis Weeter Associates, Inc., July 1983, which is on file in the superintendent's office. The applicant can petition the superintendent by submitting an application for a variance from the above guidelines on trap size. Flow testing must then be conducted with the superintendent or his agent present. Changes in equipment, such as larger sinks or dishwashers, will require a new evaluation of grease trap size with a new review required in each case.

Minimum detention time, or volume displacement time, for single tanks or for serial tanks, for all above sources and flow rates, is to be sixty (60) seconds.

All grease traps are to be PDI (Plumbing Design Institute) approved or equivalent. Applicants wishing to use pre-cast or built-in-place concrete septic tanks as grease traps shall strictly adhere to the utility department's approved grease trap size and design specification.

Grease traps which, prior to August 1, 1983, have at least two minimum detention times are not required to install influent baffles if they do not already exist. Garbage grinders which were in existence prior to August 1, 1983, are

also excluded from the requirement that they be connected to a grease trap system.

It shall be the duty of every establishment required to maintain a grease, wax and oil collector, to have same pumped by a complete emptying of the trap contents on a regular basis, or at a frequency required by the superintendent. Grease trap pumping is required if the combined floating grease mat and solids accumulation exceed 30% of the total grease trap volume; or when it appears to the superintendent or his representative that said grease, oil or wax are leaving the aforementioned collector.

Every establishment is required to maintain an annual maintenance log on all grease traps. The log will show time and date of all grease trap cleanings. Disposition of removed grease is to be recorded. The annual log will be provided by the superintendent and will be available for examination by the superintendent or his representative and will be submitted annually to the superintendent between January 1 - 15 of each year. Failure to carry out this reporting procedure is a violation of this chapter.

Acceptable disposal options for the grease includes recycling collectors or commercial collectors. All commercial collectors are required to obtain an annual permit from the superintendent.

Personnel from the wastewater department shall be permitted ready access to inspect trap or collector for compliance and if found in violation, the user will be issued a conditional three day notice to comply. Failure to comply or maintain an adequate collector, or permit the superintendent, or those authorized to act for him, to enter upon the user's premises to inspect the conditions of the grease collector and/or inspection manhole, shall subject said user to final ten (10) day notice, as provided in § 18-245. Failure therefore to have tank pumped will result in tank being pumped by the city and the owner being charged three times the average commercial rate. Charges will be added to the owner's water bill. (1976 Code, § 13-220, modified)

18-221. Maintaining and inspection of preliminary treatment facilities. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory or effective operation by the owner at his expense and shall be subject to unannounced and unscheduled inspection by the city. (1976 Code, § 13-221)

18-222. Inspection manhole. When required by the superintendent, the owner and/or user of any property, serviced by a building sewer carrying wastes described in Table I, § 18-218, shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be constructed and situated in accordance with plans approved by the superintendent. The manhole shall be installed by the

owner and/or user at his expense, and shall be maintained by him so as to be safe and accessible at all times. Should authorized personnel of the city wastewater facility be restricted or denied access to said inspection manhole, then remedies and penalties of § 18-245 apply. (1976 Code, § 13-222)

18-223. Testing, analysis and standards. (1) All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this policy, shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association; and shall be determined at the control or inspection manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from twenty-four (24) hour composites of all outfalls, whereas pH’s are determined from periodic grab samples.) Should test results from a manhole downstream from a user’s building sewer drain be controverted, then said user and/or property owner will be required to provide an inspection manhole as described in § 18-222.

(2) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial or commercial concern, whereby industrial wastes, grease, fats, oils or wax of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by said concerns. Disposal of any pollutant by any person into the sewer system must be in compliance with the Federal Clean Water Act of 1977, and any other more stringent State and local standards. (1976 Code, § 13-223)

18-224. Destruction or damage. No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of malicious mischief as set forth in the Gatlinburg Municipal Code, § 11-803. (1976 Code, § 13-224)

18-225. Powers and authority of inspectors. The superintendent and other duly authorized employees of the wastewater department, the officials of the Environmental Protection Agency and Department of Health, bearing proper

credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this policy. The superintendent may require the user, by written notice, to provide the city with information concerning the wastewater discharge rate, volume, chemical analysis, and information on raw materials and their conversion processes. It being the object of this obligation to enable the superintendent to determine the ingredients and the presence of prohibited and/or incompatible discharges, as defined in § 18-218 of this chapter. The superintendent, his representatives, or inspectors shall have no authority to inquire into any processes, or industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways, or facilities for waste treatment. (1976 Code, § 13-225)

18-226. Safety. While performing the necessary work on private properties referred to in § 18-225 above, the duly authorized employees of the city and other representatives 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 city employees, representatives or inspectors, and the property by said employees against liability claims and demands growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-215. (1976 Code, § 13-226)

18-227. Right to inspect. (1) The superintendent and other duly authorized employees of the wastewater department bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, measurements, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement, where such exists, pertaining to the private property involved.

(2) Every building sewer connected shall be inspected and tested before the trench in which it is laid is backfilled; and any work not accepted or approved by the superintendent for failure to meet these regulations shall be replaced or repaired so that it does comply. The person making the installation shall notify the superintendent twenty-four (24) hours before the connection is ready for inspection. Requests for inspection of work not completed or otherwise not meeting these requirements, and which result in additional trips to the work site by the city shall be paid for at the rate of \$5.00 per each additional trip. (1976 Code, § 13-227)

18-228. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the

facilities for sewage disposal in a clean and sanitary condition at all times; and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1976 Code, § 13-228)

18-229. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose; cistern, sinkhole, crevice, ditch or other opening either natural or artificial in any formation, which may permit the pollution of groundwater. (1976 Code, § 13-229)

18-230. Enforcement of chapter. It shall be the duty of the city to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. A final written notification of any violation shall be given by the superintendent to the person or persons responsible, for the correction of the condition; and correction shall be made within ten (10) days after notification. If the superintendent shall advise any person that the method of which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove such menace; and failure to remove such menace immediately shall be punishable under the general penalty clause for this code. That, in addition to other remedies the city shall have the right to terminate utilities to those who violate provisions of this section and/or seek injunctive relief. (1976 Code, § 13-230)

18-231. Use of system regulated. All persons using, desiring, or required to use the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the wastewater works, when such rules and regulations have been approved by the Board of Commissioners of the City of Gatlinburg. (1976 Code, § 13-231)

18-232. Extension policy. The provisions of this section shall apply only to sewer main extensions to areas where there is a demand for sewer service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotions, even though accompanied by the erection of occasional houses within areas.

Owners of property to be served by a proposed sewer main extension of the character to which this section applies, shall pay to the department the regular charge for each connection desired, immediately. The connection charge shall be paid and the agreement to pay the minimum monthly bill shall be signed before the work is begun. The department reserves the right to require an advance cash deposit as security for such minimum bill agreement, in an

percent (25%). (1976 Code, § 13-233, as amended by Ord. #2194, Sept. 1999, Ord. #2264, March 2002, and Ord. #2485, Sept. 2015)

18-234. Discontinuance of service; refusal to connect service. The provisions of this section are controlled by § 18-115 of this code relating to the sale of water, regulations, and § 18-245 of this chapter. (1976 Code, § 13-234)

18-235. Termination of service by customer. The provisions of this section are controlled by § 18-117 of this code, relating to the termination of water service. (1976 Code, § 13-235)

18-236. Water obtained from other sources. Wells or sources of water supply other than municipal water supplies, shall be registered in writing with the city, giving name of individual or firm, address, source, and approximate amount of water supply other than that from municipal water supplies; together with sketch to an approximate scale showing plan of property, water distribution system, sewer layout, existing meters, and meters or scheme proposed to determine the quantity of flow, subject to the sewer service charge.

The owners or occupants of property obtaining water from a source or sources other than through a meter of the Gatlinburg Water Department, which is discharged into the city's sewers shall install, without cost to the city, a meter or meters to measure the quantity of water received from such source or sources; and shall pay the same rate or rates as provided in purposes without the approval of the city manager. If the owner of said property fails to install an approved meter or meters, the city manager shall make an estimate of the quantity of such water used by said property owner or occupant and discharged into the city's sewers from said property; and the owner or occupant of the property shall be liable to the city for the sewer service charges due, which may be collected by suit in any court of competent jurisdiction. (1976 Code, § 13-236)

18-237. Connections outside the corporate limits. Any person owning or controlling premises located beyond the corporate limits of the city and desiring to install a plumbing system for the purpose of discharging domestic sewage and/or industrial waste into the sanitary sewers of the city, may do so by complying with the requirements set out in this chapter. That said connection shall be at the full expense of the person requesting the connection. All such connections however, must first be approved by the city. (1976 Code, § 13-237)

18-238. Secondary meters. Secondary meters for determining the sewer service charge shall be installed, owned and maintained by the property owner. No such meter may be removed without the approval of the city manager. Meters meeting the required specifications shall be as follows:

- (1) No meter shall be installed before approval of the city manager.

(2) Venturi meters, flumes, weirs and other methods of measuring flows shall be used only when authorized by the city manager.

(3) Meters purchased from the water department, and meters similar and equal to those specified by the water department and tested by the water department.

(4) Crest or turbine meters of two (2) inch size and over, to be used where it is established that the particular meter is under a full head at all times; provided such meters are tested and passed for large constant flows.

(5) Meters used currently for tax purposes by the United States Government will be accepted without tests.

(6) Existing private meters, now in place, may be continued in use without test on a conditional basis, subject to a future test, if so ordered by the city. (1976 Code, § 13-238)

18-239. Water that is not discharged into system. Whenever a property upon which a sewage service charge is hereby imposed uses water for an industrial or commercial purpose, which water so used is not discharged into the sewerage system of the city, the quantity of water so used and not discharged into the city's sewers shall be excluded in determining the sewage service charge of said owner or occupant; provided the quantity of water so used and not discharged into the city's sewers is measured by a device installed and maintained by the owner or occupant without cost to the city.

Applications from industries or businesses requesting consideration for a reduction in the sewer service charge because of water not entering the sewerage system, shall be made to the city, in writing; giving firm name of industry or business, water meter number and supporting sketch to approximate scale showing plan of property, water distribution system, sewer layout, existing meters and proposed meters in the schematic to determine the quantity of flow entering or not entering the sewerage system. This should be supplemented with a flow diagram to indicate the destination of the water supply and the wastes.

Where a sewer is available, it will be presumed that the sewage from the premises is discharged either directly or indirectly into the sewer, and such property shall be billed for sewerage service. (1976 Code, § 13-239)

18-240. Installation of secondary meters. Secondary meters are to be installed by persons qualified to do plumbing. Upon completion of the installation, the superintendent shall be notified in writing and the work of installation shall be inspected by an authorized agent for the purpose of subtraction from the primary meter all expenses incident thereto, including purchasing, installing, maintenance, billing; and billing reading expense to be determined by the city and charged off on the account to be credited each month. (1976 Code, § 13-241)

18-241. Limitations of point of discharge. No person shall discharge any substance directly into a manhole or other opening in a community sewer, unless he shall have been issued a temporary permit by the superintendent. The superintendent shall incorporate in such temporary permit such conditions as he deems reasonable, necessary to insure compliance with the provisions of this chapter; and the user shall be required to pay applicable charges and fees therefor. (1976 Code, § 13-242)

18-242. Septic tank plumbing, hauling and discharge. No person owning vacuum or “cesspool” pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the sewer, unless such person shall first have applied for and received a “Truck Discharge Operation Permit” from the superintendent. All applicants for a “Truck Discharge Operation Permit” shall complete such forms as required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the superintendent. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from the date of issuance, provided that such permit shall be subject to revocation by the superintendent for violation of any provision of this chapter or reasonable regulation established by the superintendent. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The superintendent shall designate the times and locations where such trucks may be discharged; and may refuse to accept any truckload of waste, in his absolute discretion, where it appears that the waste could interfere with the effective operation of the treatment works, or any sewer line or appurtenance thereto. (1976 Code, § 13-243)

18-243. Other holding tank waste. No person shall discharge any other holding tank waste, grease, oil, fats or wax into the sewer system unless he shall have applied for, and shall have been issued a permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each location of discharge time of day the discharge is to occur, the volume of the discharge; and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable fees or charges therefor, and shall comply with the conditions of the permit issued by the superintendent. However, no permit will be required to discharge domestic waste from a recreational vehicle holding tank, provided such discharge is made into an approved facility designed to receive such waste. (1976 Code, § 13-244)

18-244. Penalties. Every property owner, user or permit applicant shall be expected to adhere to provisions of the policy of this chapter and shall be

expected to comply with the final written notices issued by the superintendent, as authorized by this act. Failure to abide by these written notices within ten (10) days, excepting § 18-224, shall constitute a violation of the act; and in addition to all other penalties and costs, subject the user, property owner or applicant to a discontinuance of city water and sewer services. Every such person advised that said services will be discontinued shall be entitled to a hearing before the city manager. A request for such a hearing must be made with the city recorder within ten (10) days following the expiration period stated in the superintendent's final written notice. Appeal from the city manager's decision must be made to the appropriate court of Sevier County within the statutory period permitted by law, or within thirty (30) days, whichever is greater, after being advised in writing of said decision. Such advisement will be made by registered letter sent to the user's address as posted with the Gatlinburg Water Department, or as listed in any permit application with the city. Mailing of such notice will be deemed a discharge to the city's obligation of notice to said appellant, whether actually received or not. In addition, any person found to be in violation of any provision of this chapter or who shall continue any violation beyond the time limit expressed in the superintendent's notice to comply, shall be guilty of a violation of the City of Gatlinburg's Municipal Code § 11-703, and a conviction thereof shall be subject to a civil penalty of up to five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any person found violating any provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation. All final notices issued by the superintendent shall be sent by registered mail in the same manner as advisements of decisions issued by the city manager described in this section. Responsibility by the superintendent to give notice shall be considered fully discharged by such registered letter, whether received or not.

No permit for connection of building sewer shall be issued (directly or indirectly) to and no work on any connection to the city's sewer system or fixtures attached thereto, shall be done by any firm or individual who has in the past made such connections or has done such work in violation of these regulations. (1976 Code, § 13-245, modified)

18-245. Owner responsible for pipes. The sewers are constructed for the purpose of transporting sewage, not storm water. Every customer of the sewerage system shall be responsible for the integrity of the pipes on his property which connect to the sewerage system. If it is determined that the pipes owned by the customer are faulty or in a bad state of repair, such that extraneous storm water can enter the sewerage system, or sewerage is escaping the service line, the city shall require the customer to repair his pipes. If the pipes are not repaired within the time period allowed by the city, service shall be terminated. (1976 Code, § 13-246)

18-246. Add-on fees. In addition to the sewer tap fees set forth in § 18-210(4), the following additional fees shall be charged.

Duplex, triplex, condos, PUD's or other similar type multi-unit residential complex	\$375.00 per water closet in excess of two, not located in public common areas
Motels and hotels	\$375.00 per water closet in excess of two, not located in public common areas
Restaurants	\$30.00 Per Seat
Self-service laundries	\$150.00 Per Washer
Service stations	\$225.00 Per Pump
Theaters, movie/live performance	\$7.50 Per Seat
Shopping centers/comm. stores, similar developments	\$30.00 Per 1,000 Ft. Floor Space
Schools	\$25.00 Per Student
Mobile home parks, single ownership	\$400.00 Per Ea. Additional Unit
Car wash	\$1,500.00 Per Bay
Campgrounds	\$100.00 Per Site
Single family residential unit	\$375.00 per water closet in excess of two

(Ord. #2194, Sept. 1999, as amended by Ord. #2264, March 2002)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Compliance with state law.
- 18-303. Compliance required.
- 18-304. No cross-connections.
- 18-305. Cross-connection inspections.
- 18-306. Right of access.
- 18-307. Cross-connections corrected or removed.
- 18-308. Protective devices.
- 18-309. Warning labels.
- 18-310. Requirements apply to all water system users.
- 18-311. Penalties.

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 the City of Gatlinburg for general use and which is recognized as a public water system by the Tennessee Department of Health.

(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 whereby 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 whereby the public water system is connected directly with a sewer, drain,

¹The regulations in this chapter are recommended by the Tennessee Department of Health for adoption by cities.

Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

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. (1976 Code, § 8-301)

18-302. Compliance with state law. The City of Gatlinburg Public Water System is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-719, as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, and 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. (1976 Code, § 8-302)

18-303. Compliance required. 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 the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the Utilities Superintendent of the Gatlinburg Public Water System. (1976 Code, § 8-303)

18-304. No cross-connections. 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 utilities superintendent 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 interconnection will be permitted upon the premises. (1976 Code, § 8-304)

18-305. Cross-connection inspections. It shall be the duty of the Utilities Superintendent of the Gatlinburg Public Water System to cause inspections to be made of all properties served by the public water supply where cross-connections with the public supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved, shall be established by the Utilities Superintendent of the Gatlinburg Public Water System and as approved by the Tennessee Department of Health. (1976 Code, § 8-305)

18-306. Right of access. The utilities superintendent or authorized representative shall have the right to enter at any reasonable time, any property

served by a connection to the Gatlinburg 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 of any property so served shall furnish to the inspection 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 crossconnections. (1976 Code, § 8-306)

18-307. Cross-connections corrected or removed. Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with provisions hereof. 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 Utilities Superintendent of the Gatlinburg 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, § 68-221-711, within a reasonable time and within the time limits set by the Gatlinburg 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 corrected immediately. (1976 Code, § 8-307)

18-308. Protective devices. 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.

(5) There is a reasonable potential for a cross-connection to be made either intentionally or unintentionally.

The Utilities Superintendent of the Gatlinburg 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 as to manufacture, model and size. The method of installation of backflow protective devices shall be approved by the utilities Superintendent of the Gatlinburg Public Water System prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Gatlinburg 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 utilities superintendent, 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 utilities superintendent 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 Utilities Superintendent of the Gatlinburg 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, by-passing, 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 Gatlinburg Public Water System. (1976 Code, § 8-308, modified)

18-309. Warning labels. The potable water system made available to premises served by the public water system shall be protected from possible 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 signs shall have black letters at least one-inch high located on a red background. (1976 Code, § 8-309)

18-310. Requirements apply to all water system users. The requirements contained herein shall apply to all premises served by the Gatlinburg 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 city 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 Gatlinburg Corporate Limits. (1976 Code, § 8-310)

18-311. Penalties. 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 thereof, shall be subject to a civil penalty of up to five hundred dollars (\$500.00) per offense and each day of continued violation after conviction shall constitute a separate offense. (1976 Code, § 8-311, modified)

CHAPTER 4

STORMWATER ORDINANCE

SECTION

- 18-401. General provisions.
- 18-402. Definitions.
- 18-403. Land disturbance permits.
- 18-404. Stormwater system design and management standards.
- 18-405. Post construction.
- 18-406. Existing locations and developments.
- 18-407. Illicit discharges.
- 18-408. Stream-side buffers and the integrity of existing stormwater system.
- 18-409. Enforcement.
- 18-410. Penalties.
- 18-411. Appeals.

18-401. General provisions. (1) Purpose. It is the purpose of this ordinance to:

(a) Protect, maintain, and enhance the environment of the City of Gatlinburg and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city'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 city.

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

(c) Allow the City of Gatlinburg to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance to:

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

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

(iii) Establish standards to regulate the quantity of stormwater discharged 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, planned unit developments, and 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 permit applicant has violated any applicable ordinance 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 Gatlinburg Public Works Department shall administer the provisions of this ordinance.

(3) Right of entry. The authority shall make inspection and investigations, carry on research or take on such other actions as may be necessary to carry out this administration of regulations; enter at all reasonable times upon any property other than dwelling places for the purpose of conducting investigations and studies or enforcing any of the provisions of this ordinance pursuant to Tennessee Code Annotated, § 69-3-107(5) and (6). (as added by Ord. #2331, June 2005, and replaced by Ord. #2387, June 2008, and Ord #2467, Sept. 2013)

18-402. 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) "Agricultural operations." Activities related to the production of goods through the growing of plants and/or animals.

(2) "As built plans." A drawing that depicts the site conditions as they were actually constructed.

(3) "Authority." The department created by the city to administer the provisions of this ordinance.

(4) "Borrow pits." Areas where material is excavated and relocated offsite, and fill sites where materials or earth is deposited by mechanized methods resulting in an increase in elevation or grade.

(5) "Best Management Practices or BMPs." Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or

reduce pollution of water, that have been approved by the City of Gatlinburg, and that have been incorporated by reference into this ordinance as if fully set out therein.

(6) "Blue line stream." Any stream, creek, lake, pond, or other body of water shown as a blue line on a 7.5 minute USGS quadrangle map, or as determined by TDEC.

(7) "Buffer zone." A strip of undisturbed perennial native vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, wetlands and seeps. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any nutrients or pollutants from leaving the upland area and reaching surface waters.

(8) "Buffer" means, as used in this ordinance, an area parallel to the top of the bank of a stream, river, creek, pond, lake, or other body of water and which runs along the length or circumference of a body of water for the purpose of protecting a body of water from non-point source pollutants, including eroding soils.

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

(10) "Clearing." Typically refers to the removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also cover a wide variety of uses, many of which may not be regulated within the scope of stormwater management.

(11) "Common plan of development or sale." This term 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, survey 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.

(12) "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Gatlinburg.

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

(14) "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.

(15) "Diameter-at-Breast-Height (DBH)" means the diameter, in inches, of a tree trunk as measured four and one-half feet (4 1/2') above the ground. If the tree splits into multiple trunks below four and one-half feet (4 1/2'), the

trunk is measured at its most narrow point beneath the split. Diameter-at-breast-height is used as a measurement standard for relatively large trees.

(16) "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.

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

(18) "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 anthropogenic activities or effects.

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

(20) "Exceptional and mature tree" means a tree consistent with one (1) of the following characteristics:

(a) Any hardwood tree which has a DBH of ten inches (10") or greater, any evergreen tree which has a DBH of fifteen inches (15") or greater, and/or any Dogwood (*Ornus florida*) or Redbud (*Ceris canadensis*) which has a caliper of more than four inches (4");

(b) Any specimen tree; and

(c) Any public tree.

(21) "Hotspot (priority area)" means an area where land use or activities may generate highly contaminated runoff with concentrations of pollutants in excess of those typically found in stormwater. Hotspots include, but are not limited to: garages, repair shops, junk yards, detailing shops, car wash waste water, restaurants (where grease traps are maintained), commercial properties with large paved parking areas, factories, retail facilities, manufacturing plants, storage lots, maintenance areas, sanitary waste water, effluent from septic tanks and alternative sewer systems, carpet cleaning waste water, laundry waste water/gray water and household toxics;

(22) "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.

(23) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 18-403.

(24) "Improved sinkhole." 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 the Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste

waters into natural depression, open fractures, and crevices (such as those commonly associated with weathering limestone).

(25) "Land-disturbing activity" means any activity on property that result in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(26) "Linear project." A land disturbance activity as conducted by an underground/overhead utility or highway department, including but not limited to any cable line or wire for transmission of electrical energy; and conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire or communications, or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas, and borrow/spoil sites associated with the linear project. Land disturbance specific to the development of residential and/or commercial subdivision or high-rise structures is not considered a linear project.

(27) "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.

(28) "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.

(29) "Manager or inspector." The person appointed by the city to lead the authority.

(30) "Municipal Separate Storm Sewer System (MS4)" means the conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, storm drains, and all other outfall points into community waters.

(31) "National Pollutant Discharge Elimination System permit or NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342. Nursery means a place where young trees or other plants are raised for transplanting, for sale, or for experimental study.

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

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

(34) "Peak flow" means the maximum instantaneous rate of flow of water, at a particular point, that results from a storm event.

(35) "Person or owner" 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.

(36) "Priority area" means hot spot as defined herein.

(37) "Quality assurance site assessment." A documented site inspection to verify the functionality and performance of the SWPPP and for determining if construction, operation and maintenance accurately comply with permit requirements, as presented in the narrative, engineering specification, maps, plans, drawing, and details for erosion prevention, sediment control and stormwater management.

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

(39) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(40) "Sedimentation" means soil particles suspended in stormwater that can settle in streambeds and disrupt the natural flow of the stream.

(41) "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.

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

(43) "Steep slope." A natural or created slope of thirty percent (30%) grade or greater.

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

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

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

(47) "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.

(48) "Stormwater Pollution Prevention Plan (SWPPP)." A written plan that includes site map(s) identifying construction/contractor activities that could cause pollutants in stormwater runoff, and a description of the measures or best management practices to be used to prevent and control pollution from the site.

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

(50) "Stormwater utility" means the public works department of the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the municipality.

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

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

(53) "Tennessee Department of Environment and Conservation (TDEC)" is the state agency having water pollution control oversight.

(54) "TDEC manuals." Current sediment and erosion control and post construction manuals approved by TDEC for stormwater system design and installation.

(55) "Turbidity." The term refers to the cloudiness or haziness of fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye, similar to smoke in the air.

(56) "Waters or waters of the state." 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.

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

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

(59) "Wetlands." 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.

(60) "Wet weather conveyances." 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 which do not support

fish or aquatic life and are not suitable for drinking water supplies. (as added by Ord. #2331, June 2005, and replaced by Ord. #2387, June 2008, and Ord. #2467, Sept. 2013)

18-403. Land disturbance permits. (1) When required. Every person will be required to obtain a land disturbance permit from the City of Gatlinburg in the following cases: All land disturbing activities.

(2) Building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance. If the city becomes aware that construction activity is ongoing, but is not permitted, the city will notify TDEC by supplying the following information to the Knoxville Field Office:

- (a) Construction project or industrial facility location;
- (b) Name of the operator or owner;
- (c) Estimated size of the construction project or type of industrial activity;
- (d) Records of communication with the owner or operator regarding permit requirements.

(3) Exemptions. The following activities are exempt from the permit requirements:

- (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resource.
- (b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- (c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the appropriate state or federal agency which is not part of an overall larger planned development.
- (d) Additions or modifications to existing single family structures.
- (e) Residential gardening and landscaping activities.

The owner or developer whose land disturbing activity has been exempted from requirements for registration shall nevertheless be responsible for otherwise conducting such activity in accordance with the provisions of this ordinance and other applicable laws including the responsibility for controlling erosions and sedimentation. Where individual lots or sections in a subdivision are being developed by different property owners, all earth disturbing activities related to the subdivision shall be covered by the approved Stormwater Pollution Prevention Plan (SWPPP); such developments are subject to the terms of the requirements therein, including but not limited to: gravel construction entrances/exits, necessary erosion controls, concrete washout restrictions, etc.

(4) Application for a land disturbance permit. (a) Each application shall include the following:

- (i) Name of applicant;
- (ii) Business or residence address of applicant;

(iii) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;

(iv) Address and legal description of subject property including the tax reference number and parcel number of the subject property;

(v) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;

(vi) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.

(vii) Where the property includes a sinkhole, the applicant shall obtain from the Tennessee Department of Environment and Conservation appropriate permits.

(viii) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. If Aquatic Resource Alteration Permit (ARAP) is required for a site in areas proposed for active construction, the NOC will not be issued until ARAP application(s) are submitted and deemed by TDEC to be complete. The treatment and disposal of waste water (including but not limited to sanitary waste water) generated during and after the construction must also be addressed. However, the inclusion of those permits in the application shall not foreclose the City of Gatlinburg from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

(b) Each application shall be accompanied by:

(a) A sediment and erosion control plan as described in §18-404(5).

(b) A stormwater management plan as described in § 18-404(4), providing for stormwater management during the land disturbing activity and after the activity has been completed.

(c) Each application for a land disturbance permit shall be accompanied by payment of a land disturbance permit and other stormwater management fees, which will be established by a separate ordinance.

(5) Review and approval of application. (a) The City of Gatlinburg will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving an application, the City of Gatlinburg shall provide one (1) of the following responses in writing:

- (i) Approval of the permit application;
- (ii) Conditional approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
- (iii) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the City of Gatlinburg has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City of Gatlinburg. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City of Gatlinburg.

(c) No development plans will be released until the land disturbance permit has been approved.

(d) **Limitations.** The city shall not grant land disturbance permits for discharges into waters that are designated by the water quality control board as "Outstanding National Resource Waters" (ONRW). An individual permit is required for land disturbance activities and is available from the Tennessee Department of Environment and Conservation.

(6) **Permit duration.** Every land disturbance permit shall expire and become null and void if twenty-five percent (25%) of work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, and the permit life shall be three hundred sixty-five (365) days unless granted an extension. Extensions shall be applied for thirty (30) days prior to the end of the three hundred sixty-five (365) day permit period.

(7) **Notice of construction.** The applicant must notify the City of Gatlinburg no less than ten (10) working days prior to the commencement of land disturbance. A pre-construction conference may be required for certain land disturbing activities.

(8) **Performance bonds.** (a) The City of Gatlinburg may require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide two (2) itemized construction cost estimates complete with unit prices that shall be subject to acceptance, amendment or rejection by the City of Gatlinburg Public Works Department. Alternatively the City of Gatlinburg Public Works Department shall have the right to calculate the construction cost estimates.

(b) The performance security or performance bond shall be released in full when written certification, by a registered professional engineer licensed to practice in Tennessee, has been provided verifying that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City of Gatlinburg Public Works Department will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the City of Gatlinburg Public Works Department.

(9) Transfer of ownership:

(a) Some construction projects, such as residential or commercial subdivisions and/or developments or industrial parks involve the subdivision of property. Subdivided lots are sometimes sold to new owners prior to completion of construction. The site developer/owner must describe erosion control and sediment prevention measures implemented at each individual lot. Once the property is sold, the new operator must obtain coverage under this permit.

(b) If the transfer of ownership is due to foreclosure or bankruptcy proceedings, the new owner (including but not limited to a lending institution) must obtain permit coverage if the property is inactive, but is not stabilized sufficiently. If the property is sufficiently stabilized, permit coverage may not be necessary until construction activity at the site resumes.

(10) Inspections:

(a) The permit holder shall perform inspections of erosion and sediment control practices on construction sites as indicated by the current NPDES permit twice weekly and at least seventy-two (72) hours apart. Based on the results of the inspection(s), any inadequate control measures or control in disrepair shall be replaced, modified or repaired as necessary. Inspections shall be documented and kept on-site.

(b) Quality assurance of erosion prevention and sediment controls shall be done by performing site assessment at a construction site. The site assessment shall be conducted at each outfall involving drainage totaling ten (10) acres or more (of disturbed and undisturbed acreage combined) or five (5) or more acres if draining to impaired or exceptional quality waters, within one (1) month of construction commencing. The site assessment shall be performed by individuals with the following qualifications:

(i) A licensed professional engineer or landscape architect;

(ii) A Certified Professional in Erosion and Sediment Control (CPESC); or

(iii) A person that has successfully completed the "Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites" course.

At a minimum, a site assessment should be performed to verify the installation, functionality and performance of the erosion prevention and sediment control measures described in the SWPPP. The site assessment findings shall be documented and the documentation kept with the SWPPP on site. The site assessment should be performed with the site inspector, and should include a review and update (if applicable) of the SWPPP. Modifications of plans and specifications for any building or structure, including the design of sediment basin or other sediment controls involving structural, hydraulic, hydrologic or other engineering calculations shall be performed by a licensed engineer or landscape architect and stamped and certified in accordance with state law. The site assessment can take the place of one of the twice weekly inspections.

(c) The city shall perform inspections on priority construction sites and other construction sites as warranted by site location and complaints. If the city determines that the permit holder has failed to properly install, maintain, or use proper structural or vegetative erosion and sediment control practices as specified in the erosion and sediment control plan and the post construction design and maintenance plan, the permit holder may be subject to a stop work order or additional penalties as set forth in § 18-410 of this ordinance;

(d) The city may require an inspection by an engineer licensed in the State of Tennessee for any erosion and sediment control measure or post construction stormwater management facility to ensure they meet the design standards as described in the construction site and post construction site plans;

(e) If the city determines that significant erosion or sedimentation is occurring on a graded site despite approved structural or vegetative erosion and sediment control practices, the city shall require the permit holder to take additional corrective action to protect the adversely affected area. The additional corrective action required shall be part of an amended erosion and sediment control plan;

(f) Where sites or portions of construction sites have been temporarily stabilized, or runoff is unlikely due to winter conditions (e.g., site covered with snow or ice) or due to extreme drought, such inspection only has to be conducted once per month until thawing or precipitation results in runoff or construction activity resumes. Inspection requirements do not apply to definable areas that have been finally stabilized;

(g) Inspections and maintenance for post construction stormwater facilities shall be performed as required in § 18-405 for post construction design and maintenance. (as added by Ord. #2331, June

2005, and replaced by Ord. #2387, June 2008, and Ord. #2467, Sept. 2013)

18-404. Stormwater system design and management standards.

(1) Stormwater design or BMP manual. (a) Adoption. The City of Gatlinburg adopts as its stormwater design and Best Management Practices (BMP) manual the following publications, which are incorporated by reference in this ordinance as is fully set out herein:

- (i) Current TDEC sediment and erosion control manual;
- (ii) Current TDEC manual for post construction stormwater facilities and BMPs that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

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

(2) General performance criteria for stormwater management. The following performance criteria shall be addressed for stormwater management at all sites:

(a) All site designs shall control the peak flow rates of stormwater discharge associated with a 2-year, twenty-four (24) hour frequency design storms to reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

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

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

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

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

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

(g) In conjunction with Federal Emergency Management Agency (FEMA) requirements, stormwater receiving inlets shall not restrict the flow of floodwaters resulting in increased flood heights.

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

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

(4) Stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the City of Gatlinburg Public Works Department to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic base map: A 1" = one hundred feet (100') 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, sinkholes, wetlands, high quality and/or impaired streams, 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;

(v) Proposed structural BMPs;

(vi) A written description of the site disturbance activity and justification of any proposed changes in natural conditions may be required.

(vii) Erosion and sediment controls must be properly selected and installed in accordance with good engineering practices before earth moving operations begin. Effective erosion prevention and sediment controls should be designed, installed and maintained to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:

(A) Control stormwater volume and velocity within the site to minimize soil erosion;

(B) Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel stream bank erosion;

(C) Minimize the amount of soil exposed during construction activity;

(D) Minimize the disturbance of steep slopes;

(E) Eliminate (or minimize if complete elimination is not possible) sediment discharges from the site. The design, installation and maintenance of erosion prevention and sediment controls must address factors such as the design storm and soils characteristics, including the range of soil particle sizes expected to be present on the site;

(F) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless unfeasible; and

(G) Minimize soil compaction and, unless unfeasible, preserve topsoil.

(viii) Temporary measures may be removed at the beginning of the day but must be replaced at the end of the work day;

(ix) Construction must be sequenced and phased on all projects regardless of size as a major practice to minimize exposure of bare soil and limit sediment discharges. Construction must be phased to keep the total disturbed area less than fifty (50) acres at any one (1) time;

(x) Pre-construction vegetative ground cover shall not be disturbed more than fifteen (15) days prior to grading or earth moving unless the area is seeded or mulched or other temporary cover is installed. Erosion prevention and sediment control measures must be in place and functional before earth moving

activities begin, and must be constructed and maintained throughout the construction period;

(xi) For common drainage locations that serve ten (10) or more acres disturbed at one (1) time, a temporary or permanent sediment basin must be installed, or five (5) or more acres if draining to impaired or exceptional quality waters;

(xii) Soil stabilization measures shall be initiated within seven (7) days on a portion where construction activity has temporarily or permanently ceased. Where precluded by snow cover or frozen ground conditions stabilization measures shall be initiated as soon as possible. Stabilization measures do not have to be initiated where disturbing activities will resume within fifteen (15) days;

(xiii) Temporary or permanent soil stabilization shall be accomplished within fifteen (15) days after final grading or other earth work. For steep slopes, temporary stabilization must begin no later than seven (7) days after construction activity on the slope has temporarily or permanently ceased;

(xiv) Sediment should be removed from sediment traps, silt fences, sedimentation ponds and other sediment controls as necessary and must be removed when design capacity has been reduced by fifty percent (50%);

(xv) Soil, sediment, and debris brought onto streets, roads and public ways must be removed by the end of the work day by machine, broom, shovel, etc. to the satisfaction of the authority. Any time work is performed on or adjacent to any road in the City of Gatlinburg, safety will be the primary consideration. Safety considerations will extend to the travelling public, local bystanders, and work crews. Work crews will strictly adhere to the Manual of Uniform Traffic Control Devices, Part VI, Work Zone Safety. Failure to remove the sediment, soil or debris shall be deemed as a violation of this ordinance.

(xvi) Whenever construction access routes intersect paved public roads, provisions must be made to minimize the transport of sediment off site. A gravel designated construction entrance should extend a minimum of fifty feet (50') from the edge of the hard surface of the public road onto the site;

(xvii) Public roads should be thoroughly cleaned of any sediment transported off the site by the end of each work day or more often if deemed necessary;

(xviii) A permanent vegetative cover shall be established on areas subject to land disturbing activity not otherwise permanently stabilized. Established permanent vegetation should be mature enough to control soil erosion satisfactorily and to survive weather conditions;

(xix) Operators of construction sites must control waste such as litter, construction debris, chemicals, concrete truck washout and sanitary waste from being a source of stormwater pollution. After use, silt fences should be removed and disturbed areas stabilized;

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

(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 BMP manual; and

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

(x) All documents must be sealed and certified by a professional engineer licensed to practice in the State of Tennessee.

(xi) Documentation detailing the amount of water for infiltration, evapotranspiration, harvest and/or reuse as required by runoff reduction requirements.

(xii) Any calculations documenting credits for meeting terms of incentives standards for runoff reduction.

(xiii) Calculations of amounts of rainfall that must be treated prior to discharge with a technology reasonably expected to remove eighty percent (80%) of the Total Suspended Solids (TSS) where runoff reduction standards cannot be met.

(xiv) Calculations for the amount of rainfall to be mitigated if runoff reduction cannot be accomplished;

(xv) Other calculation information and requirements:

(A) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the city may impose any and all additional

requirements deemed necessary to control the volume, timing, and rate of runoff;

(B) Projects discharging to waters considered impaired by sediment or habitat alteration due to in-channel erosion, the SWPPP shall include a description of measures that will be installed during the construction process to control pollutants and any increase in the volume of stormwater discharges that will occur after construction operations have been completed by the developer. For steep slope sites, the SWPPP shall also include a description of measures that will be installed to dissipate the volume and energy of the stormwater runoff to pre-development levels;

(C) Velocity dissipation devices shall be placed at locations and along the length of any outfall channel to provide a non-erosive velocity flow from the structure to the receiving stream so that the natural physical and biological characteristics and functions of the stream are maintained and protected (e.g. there should be no significant changes in the hydrological regime of the receiving water). The SWPPP shall include an explanation of the technical basis used to select the velocity dissipation devices to control pollution where flows exceed pre-development levels. The Tennessee Erosion and Sediment Control Handbook provides measures that can be incorporated into the design or implemented on site to decrease erosive velocities. An Aquatic Resources Alteration Permit (ARAP) may be required if such velocity dissipation devices installed would alter the receiving stream and/or its bank.

(c) Soils Information:

(i) If a stormwater management (post construction) 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.

(ii) Instances in which pipes, culverts, or other types of stormwater or utility conduits are located within and/or pass through an earthen berm, special care shall be taken to choose an appropriate soil type, which is properly compacted so that all piping remains stable and watertight.

(d) Runoff reduction. As required by the NPDES general permit for discharges from a small Municipal Separate Storm Sewer System (MS4s), runoff reduction is required by this ordinance. Site design for all

new and redevelopment projects in urbanized areas 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.

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

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

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

(C) Presence of sinkholes or karst features;

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

(iii) Incentive standards for redeveloped sites: a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of developments. Such credits are additive so that a maximum reduction of fifty percent (50%) of the runoff reduction requirements for a project that meets all five (5) criteria:

(A) Redevelopment;

(B) Brownfield redevelopment;

(C) High density (>7 units per acre);

(D) Vertical density;

(E) Mixed use and transit oriented development (within one-half (1/2) mile).

(e) Pollutant removal. For projects in urbanized areas 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 reasonably expected to remove eighty percent (80%) of the total suspended solids (TSS). The treatment technology must be designed, installed and maintained to continue to meet this performance standard in perpetuity.

A determination that standards cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria that would rule out an adequate combination of filtration, evapotranspiration and reuse such as: lack of available area to create the necessary infiltrative capacity; a site use that is inconsistent with capture and reuse stormwater; physical conditions that preclude use of these practices.

(f) Off-site mitigation. For projects in urbanized areas that cannot meet one hundred percent (100%) of the runoff reduction requirements, the Authority 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 one and one-half (1.5) times the amount of water not managed on site. The off-site mitigation location (or alternative location outside the HUC 12) and runoff reduction measures must be approved by the authority. The authority shall identify priority areas within the watershed in which mitigation projects can be completed by the applicant. The authority will select the mitigation project from an inventory of appropriate mitigation projects. The project must meet appropriate institutional standards and provide whatever effort is required to assist the authority to value, to evaluate, and track the transaction. Mitigation can be used for retrofit or redevelopment projects, but should be avoided in areas of new development.

(g) Payment into public stormwater project fund. For projects in urbanized areas that cannot meet one hundred percent (100%) of the runoff reduction, pollutant removal requirements, or provide for off-site mitigation, the MS4 may allow the owner to make payment into a public stormwater project fund established by the MS4. Payment into a public stormwater project fund must be at a minimum of one and one-half (1.5) times the estimated cost of on-site runoff reduction controls.

(h) Maintenance and repair plan. The design and planning of all 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. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.

(i) Landscaping plan. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, a registered landscape architect licensed in Tennessee must prepare this plan. This landscaping plan shall comply with the City of Gatlinburg Zoning Ordinance.

(j) Maintenance easements. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the

current property owner and all subsequent owners of the property and must be properly recorded in the Sevier County Register of Deeds.

(k) Maintenance agreement:

(i) The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners and shall be recorded in the Sevier County Register of Deeds Office.

(ii) The maintenance agreement shall:

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

(B) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee who will submit a sealed report of the inspection to the City of Gatlinburg Public Works Department. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

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

(D) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City of Gatlinburg Public Works Department.

(E) Provide that if the property is not maintained or repaired within the prescribed schedule, the City of Gatlinburg Public Works Department shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City of Gatlinburg Public Works

Department cost of performing the maintenance shall be a lien against the property, and shall run with the land and be recorded in the Sevier County Register of Deeds Office.

(ii) The city shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance. This also includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the city must also meet the city's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

(l) Sediment and erosion control plans. The applicant must prepare a sediment and erosion control plan for all construction activities that complies with §18-404(5) below.

(m) Buffer plans. The applicant must prepare a buffer plan for all streams, rivers, creeks, ponds, lakes, or other bodies of water that complies with § 18-404(6) below.

(5) Sediment and erosion control plan requirements. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall incorporate designs and standards as described in the current BMP manual adopted in § 18-404 as well as the current TNCGP (Tennessee Construction General Permit). When required, a registered professional engineer licensed in the state of Tennessee shall seal the plan. The plan must:

- (a) Identify all potential sources of pollution which are likely to affect the quality of stormwater discharges from the construction site;
- (b) Describe practices to be used to reduce pollutants in stormwater discharges from the permitted construction sites;
- (c) Assure compliance with the terms and conditions of this permit.

Erosion prevention and sediment control measures shall be designed according to the size and slope of disturbed drainage areas with the goal of detaining runoff and trapping sediment. Erosion prevention and sediment controls shall be designed to control the rainfall and runoff from a 2-year, 24-hour storm, as a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pdfs/orb/tn_pdfs.html. These specific details for constructing stabilized construction entrance/exits, concrete washouts, sediment basins for controlling erosion, and road access points, etc., should be designed to eliminate or keep soils, sediment, and/or debris to a

minimum. For sites with over ten (10) acres disturbed at one (1) time a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm for each acre drained, or equivalent control measures, shall be provided until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing three thousand six hundred (3,600) cubic feet of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site. All sites that are draining to either sediment impaired or high quality waters identified by TDEC, on the most current 303(d) list, shall be designated at a minimum to control storm runoff generated by a 5-year, 24-hour storm event. For sites over five (5) acres that are draining to either sediment impaired or high quality waters refer to the latest edition of the Tennessee Construction General Permit (TNCGP) § 4.4 Discharge into Impaired or High Quality Waters for design controls. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

(a) Project description - briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of five feet (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 and high quality and/or impaired streams.

(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 mature trees, having a caliper of at least twelve inches (12"), 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 flow volumes 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) A general location map and a site map indicating the location of any high quality and/or impaired streams, drainage patterns and approximate slopes anticipated after major activities, areas of soil disturbance, and outline of areas which are not to be disturbed, the size and location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, the location of receiving water(s), locations of discharges directly into or immediately up stream of high quality or impaired waters, wetlands, sinkholes and locations where stormwater is discharged to a surface water. All outfalls where runoff will leave the property should be identified. Stream(s) receiving the discharge, and storm sewer system(s) conveying the discharge from all site outfalls should be clearly identified and marked on the map. NOIs for linear projects must specify the location of each end of the construction area and all areas to be disturbed. Commercial and/or industrial builders that develop separate SWPPPs that cover only their portion of the project shall also submit a site or plat map that clearly indicates the lot(s) which they are applying for permit coverage and the location of streams, conveyances, storm sewer connections and outfalls leaving the permitted portion of the property.

(k) Proposed drainage network.

(l) Proposed drain tile or waterway sizes.

(m) Approximate flow volumes leaving site and their location 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, including but not limited to, high quality and/or impaired waters, wetlands, sinkholes, and locations where stormwater is discharged to surface water. The location, size and layout of proposed stormwater and sedimentation control improvements are required. 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.

(n) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.

(o) 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.

(p) Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City of Gatlinburg Public Works Department. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the workday by machine, broom or shovel to the satisfaction of the City of Gatlinburg Public Works Department. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(q) Proposed structure location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.

(r) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

(s) When land disturbance activities are proposed along a 303(d) listed stream impaired for siltation or a known high quality waterway, the erosion and sediment control plan shall be designed at a minimum to control the discharge of the 5-year 24-hour storm event along with other additional minimum standards outlined in the current TNCGP for Discharges of Storm Water Associated with Construction Storm Activities (4.4.1).

(t) The SWPPP must include documentation supporting a determination of permit eligibility with regard to waters that have an approved TMDL for pollutant of concern, including:

(i) Identification of whether the discharge is identified, either specifically or generally, in an approved TMDL and any associated wasteload allocations, site specific requirements, and assumptions identified for the construction stormwater discharge;

(ii) Summaries of consultation with the city and TDEC on consistency of SWPPP conditions with the approved TMDL, and;

(iii) Measures taken to ensure that the discharge of TMDL identified pollutants from the site is consistent with the assumptions and requirements of the approved TMDL, including any specific wasteload allocation that has been established that would apply to the construction stormwater discharge.

(u) Plans modification(s) (i) A SWPPP must be modified and updated if any of the following are met:

(A) Whenever there is a change in the scope of the project, which would be expected to have a significant effect on the discharge of pollutants to the waters of the state and which has not otherwise been addressed in the SWPPP;

(B) When inspections or investigations by site inspectors, local, state or federal officials indicate the SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from being discharged, or is

otherwise not achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity.

(C) To identify any new permittee (e.g., owner, contractor, subcontractor) as needed to reflect operational or design control that will implement a measure of the SWPPP;

(D) To include measures necessary to prevent a negative impact to legally protected state or federally listed fauna or flora;

(E) A TMDL is developed for the receiving water(s) for a pollutant of concern (siltation and/or habitat alteration).

(iv) In the event the authority finds that a permittee is complying with the SWPPP, but contributing to the impairment of a receiving stream, then the discharger will be notified by the authority in writing that the discharge is no longer eligible for coverage under the general permit. The permittee may update the SWPPP and implement the necessary changes designed to eliminate further impairment to the stream. If the permittee does not implement the SWPPP changes within a reasonable amount of time, the operator must file an individual permit with TDEC. To obtain the individual permit, the operator must file an individual permit application (EPA 1 and 2F). The project must be stabilized immediately until the SWPPP is updated and the individual permit is issued. Only discharges from earth disturbing activities necessary for stabilization are authorized to continue until the individual permit is issued.

(v) Other items requiring control:

(A) No solid materials, including building materials, shall be placed in waters of the state, except as authorized by a section 404 permit and/or ARAP permit.

(B) For installation of any waste disposal systems on site, or sanitary sewer or septic system, the SWPPP shall identify these systems and provide for the necessary erosion prevention and sediment controls. Permittees must also comply with applicable state and/or local waste disposal, sanitary sewer or septic system regulations for such systems to the extent these are located within the permitted area.

(C) The SWPPP shall include a description of construction and waste materials expected to be stored on site. The SWPPP shall also include a description of controls used to reduce pollutants from materials stored on site, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.

(D) A description of stormwater sources from areas other than construction and description of controls and measures that will be implemented at those sites.

(E) A description of measures necessary to prevent a "taking" or legally protected state or federal listed threatened or endangered aquatic fauna and/or critical habitat (if applicable). The permittee must describe and implement such measures to maintain eligibility for coverage under the permit. (as added by Ord. #2331, June 2005, and replaced by Ord. #2387, June 2008, and Ord. #2467, Sept. 2013)

18-405. Post construction. (1) As built plans. A final inspection by the City of Gatlinburg Public Works Department is required before any performance security or performance bond will be released. The City of Gatlinburg Public Works Department 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, certificate of occupancy permits shall not be granted until connections to all BMPs have been made and accepted by the City of Gatlinburg Public Works Department.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be re-vegetated according to a schedule approved by the City of Gatlinburg Public Works Department. The following criteria shall apply to re-vegetation 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.

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

(b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater facilities. (a) Periodic inspection of facilities shall be performed by the city.

(b) In order to ensure that all stormwater BMPs are operating correctly and being properly maintained, the city shall, at a minimum, require owners and/or operators of stormwater systems to:

(i) Perform routine inspection 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.

(ii) Perform comprehensive inspections 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. Complete inspection reports for these five (5) year inspections shall include:

- (A) Facility type;
- (B) Inspection date;
- (C) Latitude and longitude and nearest street address;
- (D) BMP owner information (e.g. name, address, phone number, fax, and email);
- (E) A description of BMP conditions including: vegetation and soils, inlet and outlet channels and structures, embankments, slopes, safety benches, spillways, weirs, and other structures as well as any sediment and debris accumulation;
- (F) Photographic documentation of BMPs;
- (G) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

Owners and/or operators shall maintain documentation of these inspections. The city may require submittal of this documentation.

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least two (2) years. These records shall be made available to the City of Gatlinburg Public Works Department during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a property owner fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City of Gatlinburg Public Works Department, after reasonable notice, may correct a violation of the

design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Gatlinburg Public Works Department shall notify in writing the property owner or party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the property owner or responsible person shall repair the facility in an approved manner. In the event that corrective action is not completed within the time specified by the city, the City of Gatlinburg Public Works Department may take necessary corrective action. The cost of any action by the City of Gatlinburg Public Works Department under this section shall be charged to the property owner and/or responsible party/owner of land, shall run with the land and be recorded in the Sevier County Register of Deeds Office. (as added by Ord. #2331, June 2005, and replaced by Ord. #2387, June 2008, and Ord. #2467, Sept. 2013)

18-406. Existing locations and developments. (1) Requirements for all existing locations and developments. The following requirements may apply to locations and developments where land disturbing activities have occurred previous to the enactment of this ordinance and deemed to create an immediate problem:

- (a) Denuded or bare areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the City of Gatlinburg Public Works Department.
- (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 riprap, channel lining, etc., to prevent erosion.
- (d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- (e) Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters.

(2) Requirements for existing problem locations. The City of Gatlinburg Public Works Department shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

(3) Inspection of existing facilities. The City of Gatlinburg Public Works Department may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as

higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(4) Corrections of problems subject to appeal. Corrective measures imposed by the City of Gatlinburg Public Works Department under this section are subject to appeal under §18-401 of this ordinance. (as added by Ord. #2331, June 2005, and replaced by Ord. #2387, June 2008, and Ord. #2467, Sept. 2013)

18-407. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, direction or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited:

(a) Prohibitions. No person shall be allowed to, or continue to do, any of the following:

(i) Connect, or allow to be connected, any sanitary sewer to the stormwater system including any sanitary sewer connected to the stormwater system as of the date of adoption of this section.

(ii) Cause or allow an illicit discharge to the stormwater system, or any component thereof or onto driveways, sidewalks, parking lots, sinkholes, creek banks, or other areas draining to the stormwater system. Illicit discharges including, but are not limited to:

(A) Sewage discharges or overflows, including Sanitary Sewer Overflows (SSOs);

(B) Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;

(C) Discharges resulting from the cleaning, repair or maintenance of any type of equipment, machinery, or facility including motor vehicles, cement related equipment, and port-a-potty servicing; etc.;

(D) Discharges of wash water from mobile operations such as mobile automobile washing, steam cleaning, power washing, and carpet cleaning;

(E) Discharges of wash water from the cleaning or hosing of impervious surfaces in industrial and commercial areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards, and outdoor eating or drinking areas, etc.,

(F) Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil or other hazardous materials;

(G) Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;

(H) Discharges of sediment, or construction-related wastes, etc.;

(I) Discharges of food-related wastes (e.g. grease, fish processing, and restaurant kitchen mat and trash bid wash water, etc.

(b) The commencement, direction or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

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 ground water;

(v) Groundwater infiltration to storm drains;

(vi) Pumped groundwater;

(vii) Foundation or footing drains;

(viii) Crawl space pumps;

(ix) Air conditioning condensation;

(x) Springs;

(xi) Non-commercial washing of vehicles;

(xii) Natural riparian habitat or wet-land flows;

(xiii) Swimming pools (if dechlorinated);

(xiv) Fire fighting activities;

(xv) Discharges from potable water sources;

(xvi) Individual noncommercial car washing on residential properties; or car washing of less than two (2) consecutive days in duration for a charity, nonprofit fund raising, or similar noncommercial purpose;

(xvii) Incidental street wash water from street cleaning equipment designed for cleaning paved surfaces and limiting waste discharges;

(xviii) Street deicing for public safety;

(xix) Any activity authorized by a valid NPDES permit;
and

(xx) Any other uncontaminated water source.

(c) Discharges specified in writing by the City of Gatlinburg Public Works Department as being necessary to protect public health and safety.

(d) Dye testing is an allowable discharge if the City of Gatlinburg Public Works Department has so specified in writing.

(e) Right of testing. The city may require the owner or operator of any facility engaging in any activity where this permit is required to undertake such reasonable monitoring of any discharges to the City's Separate Storm Sewer System (CS4) and to furnish periodic detailed reports of such discharges.

(f) Third party testing. All third party testing and analysis should be in accordance to TDEC Environmental Assistance Center (EAC) protocols.

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

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

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City of Gatlinburg Public Works Department in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City of Gatlinburg Public Works

Department 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 submit to the City of Gatlinburg Public Works Department within fourteen (14) days of knowledge of a release a written description of the release, the circumstances leading to the release and the date of the discharge. The owner or operator 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) Hot spot discharges. The discharge of hazardous substances or oil into the municipal storm sewer system from hot spots including, but not limited to: garages, repair shops, junk yards, detailing shops, car wash waste water, restaurants (where grease traps are maintained), commercial properties with large paved parking areas, factories, retail facilities, manufacturing plants (such as concrete plants, asphalt plants, etc.), storage lots, maintenance areas, sanitary waste water, effluent from septic tanks, carpet cleaning waste water, laundry waste water/gray water and household toxics etc., shall be prohibited. This section also requires these and other businesses and facilities already in operation within the boundaries of the City of Gatlinburg must maintain proper storage and disposal practices of hazardous substances and oil.

(a) Site map requirements. Each application must be accompanied by a site map. Before preparing a site map, the facility operator/ manager should do the following:

- (i) Conduct a materials inventory;
- (ii) Evaluate any past spills or illicit discharges (if applicable);
- (iii) Identify any non-stormwater discharges and all outfalls or discharge points from the property;
- (iv) Evaluate stormwater runoff;
- (v) Summarize your findings.

(b) Each map should then be prepared considering and indicating any and all of the following specifications:

- (i) Building design and layout including storm drain locations;
- (ii) Stormwater connections;
- (iii) Name of receiving waters including whether it is high quality/ impaired waters;
- (iv) Flow diversion structures (curb cuts, catch basins, etc.);
- (v) Vegetative swales;
- (vi) Fueling areas;
- (vii) Vehicle/equipment maintenance and wash areas;
- (viii) Loading/unloading areas;
- (ix) Above ground tanks for liquid storage;
- (x) Under ground detention inlets and outlets;

- (xi) Waste management areas/waste disposal areas, landfills;
- (xii) Outside manufacturing areas;
- (xiii) Outside storage of raw materials, by-products, finished products;
- (xiv) Other areas of concern;
- (xv) Storage areas of hazardous materials/ chemicals;
- (xvi) Location of emergency cleanup/ response kits;
- (xvii) Any other site specific pertinent details as required by the city. (as added by Ord. #2331, June 2005, and replaced by Ord. #2387, June 2008, and Ord. #2467, Sept. 2013)

18-408. Stream-side buffers and the integrity of existing stormwater system. (1) Buffer requirements (construction and post construction). (a) Construction buffers: whenever a development or redevelopment site has a blue line stream, free-flowing waters of the state, or other body of water (perennial and intermittent streams, rivers, ponds, creeks, lakes and wetlands) on such site, flowing through such site, or bordering such site, a buffer of natural and/or man made vegetation shall be maintained and/or installed which is at least thirty feet (30') in width, as measured from the top of the bank of such stream or body of water. The buffer of thirty feet (30') can be established on an average basis at a project, as long as the minimum width of the buffer is no less than fifteen feet (15') at any measured location. The buffer should be a vegetated, preferably native, water quality buffer to protect water bodies by providing structural integrity and canopy, as well as stormwater infiltration, filtration and evapotranspiration. Buffer zones are not primary sediment control measures and should not be relied upon as such.

Every effort should be made of construction activities not to take place within the buffer and the buffer should remain in its undisturbed state of vegetation. BMPs providing equivalent protection to a receiving stream as a natural riparian buffer zone may be used at a construction site. Such BMPs shall be designed to be effective in protecting the receiving water from effects of stormwater runoff as a natural riparian zone. A justification for use and a design of equivalent BMPs shall be included in the SWPPP. Such equivalent BMPs are expected to be routinely used at a construction project typically located adjacent to surface waters. These projects include, but are not limited to: sewer line construction, roadway construction, utility line or equipment installation, greenway construction, construction of a permanent outfall or a velocity dissipating structure, etc. Enhancements, restoration and re-establishment may be allowed with proper permit(s). Except as may be in conflict with the intent of this ordinance, provisions of the zoning ordinance, flood damage prevention ordinance, or other ordinances and

regulations of the city, buffer areas may be occupied by non-polluting uses and areas such as grassed or landscaped yards, park and picnic areas, greenways, walking trails, and/or undisturbed native vegetation. The City of Gatlinburg Public Works Department may allow driveway and road construction to occur through a buffer upon finding that the integrity of the buffer will not be compromised. Permits for stream crossings may also require permits from federal, state and other local agencies.

(b) Water quality buffer (post construction): buffer width depends on the size of the drainage area. Streams or other waters with drainage areas less than one (1) square mile upstream will require buffer widths of thirty feet (30') of buffer zone. Streams or other waters with drainage areas greater than one (1) square mile upstream will require buffer widths of sixty foot (60') minimum. In instances where a sixty foot (60') buffer width has been established for sites that contain or are adjacent to a receiving stream designated as impaired or exceptional waters, the sixty foot (60') buffer can be established on an average width basis at a project, as long as the minimum width of the buffer is more than thirty feet (30') at any measured location.

(c) Buffer variance. The city may allow a variance to the water quality buffer requirements. A variance may be obtained by application under § 18-411 of this ordinance. When a variance is allowed by the city, mitigation must be at least as protective of the natural resources and the environment as the undisturbed buffer. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation.

(d) Integrity of existing stormwater system. Any alteration to existing drainage channels, pipes or other stormwater systems that convey public water is prohibited without authorization from the city. Any alteration must maintain the intended performance of the drainage channel.

(e) Existing locations and developments. The city may, when conditions warrant, conduct inspections to verify that existing stormwater management facilities are functioning within design limits. These inspections shall be based on violations and complaints which identify developments, 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 municipalities NPDES stormwater permit. Inspections may include, but are not limited to: reviewing maintenance and repair records, sampling discharges, surface water, groundwater, and material or water in drainage control facilities, and evaluating the condition of drainage control facilities and other BMPs. (as added by Ord. #2331, June 2005, and replaced by Ord. #2387, June 2008, and Ord. #2467, Sept 2013)

18-409. Enforcement. (1) Enforcement authority. The City of Gatlinburg Public Works Department, through their inspectors or other agents shall have the authority to issue notices of violation and issue and enforce orders.

Enforcement procedures follow a standardized progression of events that are collectively known as a force continuum to be applied by the City of Gatlinburg Public Works inspector and all other authorized agents. Each enforcement action should be based on its own merits/consideration, thus any and all steps of this continuum may be bypassed based on the discretion of the inspector, designated employee(s); egregiousness of violation; amount of discharge; damage to public and/or private property; number of previous violations; and any other pertinent circumstances, etc.

The establishment of this continuum shall include but not be limited to:

- (a) Site inspection;
- (b) Verbal or written notice of inspection findings and corrective actions suggested;
- (c) Follow up inspection;
- (d) Notice of violation or compliance order;
- (e) Cease and desist order or stop work order;
- (f) Civil penalty;
- (g) Suspension or revocation of permit.

(2) Enforcement procedures. (a) Notice of violation/compliance order. Whenever the inspector determines any permittee or any other person or entity discharging stormwater has violated or is violating this ordinance or a permit or order hereunder, the inspector or other agents may serve upon such person written notice of the violation. The notice of violation should detail the overall site condition along with specific details of each violation (e.g. silt fence failure, check dam needing maintenance, failure of other BMPs, etc.). This notice of violation shall contain such 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. The notice may also direct that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Within ten (10) days of this notice, a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City of Gatlinburg Public Works Department. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Cease and desist orders/stop work order. When the City of Gatlinburg Public Works Department finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the City of Gatlinburg Public Works Department may issue

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 and terminating the discharge.
- (iii) Conflicting standards. Whenever there is a conflict between any standard contained in this ordinance and the TDEC manuals adopted by the municipality under this ordinance, the strictest standard shall prevail.

(c) Referrals to TDEC for enforcement. Where the city has used "progressive enforcement" to achieve compliance with this ordinance, and in the judgment of the authority has not been successful, the authority may refer the violation to TDEC for enforcement. 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:

- (i) Construction project or industrial facility location;
- (ii) Name of the operator or owner;
- (iii) Estimated construction project size or type of industrial activity (including SIC code, if known);
- (iv) 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.

(d) Where there are outstanding or unpaid civil penalties, pending civil penalty appeals, and/or appeals in any governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8, the permit holder nor his/her representative(s) may receive any additional land disturbance permit until such time as all civil penalties have been paid in full and all matters have been adjudicated. (as added by Ord. #2331, June 2005, and replaced by Ord. #2387, June 2008, and Ord. #2467, Sept. 2013)

18-410. Penalties. In addition to the provisions set out in 18-409, the inspector shall have the following powers:

(1) Penalties. To issue a citation upon finding that the person or permit holder has violated a provision of this ordinance. The violator may be subject to a penalty of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) as provided by Tennessee Code Annotated, § 68-221-1106. Each day during which a provision of this ordinance is violated shall constitute a separate violation when actual site visits and conditions are properly documented by the inspector or other agents. Appeals shall be made to the municipal board of appeals.

(2) Injunctions, etc. To institute injunction, mandamus, abatement and any other appropriate judicial actions or proceedings to prevent, enjoin or abate the violations of any provision of this ordinance or the provisions of any permit, condition or limitation in the Chancery Court for Sevier County.

(3) Measuring civil penalties. In assessing a civil penalty, the following may be considered:

- (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 municipality;
- (f) The amount of penalty established by ordinance 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 (1) above, the municipality may recover:

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

(5) Other remedies. The municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions. The inspector may prosecute the alleged violator of this ordinance criminally in General Session Court of Sevier County pursuant to Tennessee Code Annotated, § 5-1-123. Any appeal of criminal convictions shall be made through the Circuit Court of Sevier County.

(6) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (as added by Ord. #2331, June 2005, and replaced by Ord. #2387, June 2008, Ord. #2399, Oct. 2008, and Ord. #2467, Sept. 2013)

18-411. Appeals. A suspension or revocation of a permit should be appealed to the agency having issued the permit. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the municipal board of appeals.

(1) Appeals shall be made to the municipal board of appeals. Each appeal shall be made pursuant to and in compliance with the procedures established by the ordinance adopted by the City of Gatlinburg City Commission establishing the municipal board of appeals.

(2) Board's authority to grant variances. The board of appeals is hereby authorized to consider and grant variances from the provisions of this ordinance where appropriate. When considering requests for variances, the applicant must demonstrate to the satisfaction of the board that the granting of a variance will not lead to any of the following conditions:

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

Any variances granted by the board, shall be reflected on/in the final plan and/or design documents. (as added by Ord. #2467, Sept. 2013)