



Chapter 22.5

STORMWATER AND STREET ORDINANCE

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This ordinance was initially issued in June 1997 (Ordinance O-224-97) with further revisions in December 1997 (Ordinance O-666-97), May 1998 (Ordinance O-247-98), May 2003 (Ordinance O-155-03), June 2003 (Ordinance O-264-03), August 2004 (Ordinance O-139-04), January 2005 (Ordinance O-16-05), February 2005 (Ordinance O-45-05), February 2013 (Ordinance O-26-2013), December 2017 (Ordinance O-281-2017) and June 2019 (Ordinance O-83-2019).

ARTICLE I. IN GENERAL

Section 22.5-1. Title of chapter.

This chapter shall be known and may be cited as the "Stormwater and Street Ordinance of the City of Knoxville."

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-2. Purpose.

The purpose of this chapter is to consolidate all regulations pertaining to the stormwater system and the local street system and to accomplish the following:

- Improve stormwater management;
- Control the discharge of pollutants to the stormwater system;
- Improve public safety;
- To comply with the City's National Pollution Discharge Elimination System (NPDES) permit;
- Establish procedures to accomplish the above purposes.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-3. Administration of chapter.

The Director and the engineering staff under the Director's supervision shall administer the provisions of this chapter.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-4. Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most appropriate application.

1-year frequency storm. A storm event defined to be two and one-half (2.5) inches in twenty-four (24) hours or other such magnitude the Director shall establish based upon scientific and engineering information.

2-year frequency storm. A storm event with a fifty (50) percent chance of being equaled or exceeded in a given year. Defined to be three (3.0) inches in twenty-four (24) hours or other such magnitude the Director shall establish based upon scientific and engineering information.

5-year frequency storm. A storm event with a twenty (20) percent chance of being equaled or exceeded in any given year. Defined to be three and seven-tenths (3.7) inches in twenty-four (24) hours or other such magnitude the Director shall establish based upon scientific and engineering information.

10-year frequency storm. A storm event with a ten (10) percent chance of being equaled or exceeded in any given year. Defined to be four and three-tenths (4.3) inches in twenty-four (24) hours or other such magnitude the Director shall establish based upon scientific and engineering information.

25-year frequency storm. A storm event with a four (4) percent chance of being equaled or exceeded in any given year. Defined to be five (5.0) inches in twenty-four (24) hours or other such magnitude the Director shall establish based upon scientific and engineering information.

50-year frequency storm. A storm event with a two (2) percent chance of being equaled or exceeded in any given year. Defined to be five and seven-tenths (5.7) inches in twenty-four (24) hours or other such magnitude the Director shall establish based upon scientific and engineering information.

100-year frequency storm. A storm event with a one (1) percent chance of being equaled or exceeded in any given year. Defined to be six and three-tenths (6.3) inches in twenty-four (24) hours or other such magnitude the Director shall establish based upon scientific and engineering information.

500-year frequency storm. A storm event with a one-fifth (1/5) of one (1) percent chance of being equaled or exceeded in any given year. Defined to be eight (8.0) inches in twenty-four (24) hours or other such magnitude the Director shall establish based upon scientific and engineering information.

Administrative plat. A plat prepared and certified by a registered land surveyor licensed to practice in the state of Tennessee and approved or denied for recording by the Metropolitan Planning Commission (MPC) through staff administrative procedures. A plat shall be classified as an administrative plat when no variance from *The Knoxville-Knox County Minimum Subdivision Regulations*, or as amended, is requested and it meets one (1) or more of the following criteria:

- (a) It divides one (1) tract into no more than two (2) lots;
- (b) It combines existing lots into no more than two (2) lots;
- (c) It adjusts the common lot line(s) between two (2) existing recorded lots;
- (d) It is for the purpose of recording an easement or other new information and no subdivision of land is involved; or
- (e) It qualifies as an exempt or corrected plat as defined by *The Knoxville-Knox County Minimum Subdivision Regulations*, or as amended.

Best Management Practices Manual (BMP Manual). A manual produced by the City containing best management practices for use on site development plans and construction projects.

Blue-line stream. Any stream shown on the 7.5 minute USGS quad maps.

Board of Environmental Appeals. Appointed by the mayor and confirmed by council to hear appeals filed by any person incurring a civil penalty or damage assessment imposed pursuant to section 22.5-8. of this chapter.

Covenants by lessee for maintenance of stormwater facilities on leased property. A legal document executed by a lessee and recorded with the Knox County Register of Deeds guaranteeing proper maintenance of stormwater facilities during the term of the lessee's lease and the proper removal of the water quality facilities at the end of the term of the lessee's lease.

Covenants by property owner for permanent maintenance of stormwater facilities. A legal document executed by the property owner and recorded with the Knox County Register of Deeds guaranteeing perpetual and proper maintenance of stormwater facilities.

Declaration Document. A legal deed document that grants or releases easements or other property rights.

Detention. A practice to store stormwater runoff by collection as a temporary pool of water and provide for its gradual (attenuated) release and thereby control peak discharge rates.

Development certification. A post-development certification performed by an appropriate design professional validating that the project was constructed per the approved design.

Development, large residential and commercial. Any development, commercial, office, industrial, multiple single family lots, any nonresidential use, or any development of a single residential lot with a disturbed area of ten thousand (10,000) square feet or more.

Development, small single-family residential. Development of a single recorded residential lot with less than ten thousand (10,000) square feet of disturbed area.

Development, utilities. Physical alteration of any location for the purpose of installing utilities. This includes, but is not limited to, providing access to a site, clearing of vegetation, grading, earth moving, providing utilities, other services such as parking, altering land forms, and installing erosion prevention and sediment control systems.

Director. Director of the City of Knoxville Department of Engineering or an authorized representative.

Discharge. Dispose, deposit, spill, pour, inject, seep, dump, leak, or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the stormwater system by any means intentional or otherwise.

Disturbed area. Portion of any site that has been altered from existing conditions including, but not limited to, the following: providing access to a site, clearing of vegetation, grading, earth moving, altering land forms, construction, demolition of a structure on the land, providing utilities, or other related work, e.g. parking facilities, stormwater systems, erosion prevention and sediment control measures, potable water systems, and wastewater systems.

Exempt plat. A survey plat or map that divides property in manner that is consistent with exemption from the requirements of *The Knoxville-Knox County Minimum Subdivision Regulations*, or as amended, based on the provisions of Sections 13-3-401 and 13-4-301 of Tennessee Code Annotated, or as amended. Divisions on exempt plats may be eligible for inclusion on the ward map if reviewed and approved by the Department of Engineering.

Erosion. The removal of soil particles by the action of water, wind, ice, or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

First flush. The initial or early stages of stormwater runoff from a storm event which commonly delivers a disproportionately large amount of previously accumulated pollutants due to the rapid rate of runoff. The first flush is defined as the first one-half (½) inch of direct runoff from the contributing drainage basin.

Floodplain. For a given flood event, that area of land temporarily covered by water which adjoins a watercourse.

Hot spot. An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. Examples might include operations producing concrete or asphalt, auto repair shops, auto supply shops, large commercial parking areas, and restaurants.

Hydraulic. Pertaining to, involving, moved, or operated by a fluid, especially water under pressure or under a gravity-driving force.

Hydrologic. Pertaining to the scientific study of the properties, distribution, and effects of water on the earth's surface, in the soil and underlying rocks, and in the atmosphere.

Illicit discharge. Any discharge to the stormwater system that is not composed entirely of stormwater and not specifically exempted in article III.

Impervious area. Impermeable surfaces, such as pavement or rooftops, which prevent the percolation of water into the soil.

Infiltration. A method used to promote the recharge of groundwater by containment and concentration of stormwater in porous soils.

Infiltration basin. An impoundment made by excavation or embankment construction to contain and infiltrate runoff into the soil layer.

Land Development Manual (LDM). Manual produced by the City that provides additional information about the specifics of this chapter.

Large residential development. See Development, large residential and commercial.

Lessee. A lessee occupying real property pursuant to a lease agreement entered into prior to February 4, 1987, which contains no contractual provisions requiring the landlord to execute property owner's Covenants, whose site development plan is five (5) acres or less, and whose use of the real property will not create environmental hazards.

Lot of record. A property which is currently shown on the ward map, or which is eligible to be shown on the ward map, as determined by the Director.

Main stream. The Tennessee River, Holston River, or French Broad River.

Mitigation. The creation, restoration, enhancement, or preservation of a stream, riparian buffer zone, adjacent land, or other stormwater facility which offsets expected adverse impacts of development.

Natural Resources Conservation Service (NRCS). An organization within the U.S. Department of Agriculture that has published standard drainage procedures in the form of Technical Release No. 55. Formerly known as the Soil Conservation Service (SCS).

No-fill line. A line one-half (0.5) the linear distance between the floodway line and the 100-year floodplain line

Parking area. The off-street facility including parking spaces along with adequate provision for drivers and aisles for maneuvering and giving access, and for entrance and exit, designed to be usable for the parking of vehicles.

Peak flow. The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

Peak flow attenuation. The reduction of the peak discharge of stormwater from a development.

Performance and indemnity agreement. A contract between the property owner, lessee, or developer and the City that assures construction and compliance as per site development plans approved by the Department of Engineering and in the case of a lessee, assures the lessee's proper maintenance of stormwater facilities during the term of its lease, and the proper removal of water quality facilities by the lessee at the end of the term of its lease.

Person. Any individual, firm, corporation, partnership, association, organization, or entity, including governmental entities, or any combination thereof.

Plat. A map meeting requirements of *The Knoxville-Knox County Minimum Subdivision Regulations*, or as amended, prepared and certified by a registered land surveyor licensed to practice in the state of Tennessee, approved for recording by the MPC, and recorded in the Knox County Register of Deeds Office.

Redevelopment. The improvement of fifty (50) percent of the assessed value of the real property and improvements.

Regulated waters. Any stream, wetland, or other waterbody specified by the Director, where protections are imposed for adjacent land use, development, or vegetative cover.

Restaurant. An establishment or facility where food is prepared and sold.

Retention. A practice designed to store stormwater runoff by collection as a permanent pool of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds storage capacity of the permanent pool.

Riparian buffer zone. A naturally undisturbed, vegetated, and pervious zone adjacent to regulated waters that is protected from clearing, grading, filling, paving, building, or other destruction of the naturally vegetated state.

Riprap. A combination of large stone, cobbles, and boulders used to line channels, stabilize stream banks, and reduce runoff velocities.

Runoff. The water resulting from precipitation that is not absorbed by the soil.

Sanitary sewer. A system of underground conduits that collect and deliver wastewater to a wastewater treatment plant.

Sinkhole.

- (a) A naturally occurring depression where drainage collects in the earth's surface that is a minimum of two (2) feet deep. These depressions are typically denoted as closed contours and are shown as hachured contours on the City's geographic information system, or
- (b) A hole, fissure, or other opening in the ground, often underlain with limestone, dolomite, or other rock formation that provides for and is being designated as a natural conduit for the passage of stormwater.

For both (a) and (b), the extent of the area considered to be a sinkhole is at a minimum the limits determined by the water surface elevation, assuming plugged conditions (zero (0) cfs outflow).

Site development. To physically change land (land disturbance). Including, but not limited to, providing access to a site, clearing of vegetation, grading, filling, earth moving, providing utilities and other services such as parking facilities, stormwater management, erosion prevention and sediment control systems, potable water and wastewater systems, altering land forms, and construction or demolition of a structure on the land.

Small residential development. See Development, small single family residential.

Stormwater. Runoff from rain, snow, or other forms of precipitation, resulting in surface runoff and drainage.

Stormwater basin. An area used for stormwater detention, retention, or infiltration.

Stormwater facility. A specific regulated component of the stormwater system.

Stormwater system. The system of roadside drainage, roadside curbs and gutters, curb inlets, swales, catch basins, manholes, gutters, ditches, pipes, lakes, sinkholes, channels, creeks, streams, storm drains, detention basins, retention basins, stormwater quality treatment devices, and similar natural or manmade conveyances and facilities located within the city, which, whether owned or operated by the City or other person, are designated or used for collecting, storing, treating, or conveying stormwater or through which stormwater is collected, stored, treated or conveyed.

Stream. Includes any linear surface water conveyance recognized by TDEC as Waters of the State, any blue-line shown on the 7.5 min USGS Quad map, or any waterbody determined to be a stream by a Tennessee Qualified Hydraulic Professional (TN-QHP).

Swale. A natural or manmade depression or wide shallow ditch used to route or filter runoff.

Utilities development. See Development, utilities.

Utility, public or private. Any agency which under public franchise, public ownership, or certification of convenience and necessity provides the public with electricity, natural gas, steam, communication, rail transportation, water, sewage collection, or other similar service.

Ward Map. The adopted official map of the City of Knoxville showing the wards, blocks, lots, tracts, and rights-of-way within the corporate limits of the City of Knoxville.

Wastes, industrial/commercial. Liquid or other wastes resulting from any process of industry, manufacture, trade, or business or resulting from the development of any natural resources.

Wastes, other. Decayed wood; sawdust; shavings; fallen bark; fallen leaves; lawn clippings; animal wastes; used or previously applied lime; garbage; trash; refuse; loose used paper, paper products, plastic containers, or metal containers; ashes; offal; discarded tar; discarded paint; discarded or uncontained solvents; used, discarded, or spilled petroleum products, antifreeze, or motor vehicle fluids; used or discarded tires, gas tanks, or chemicals; or any other used, uncontained,

unpackaged, or disposed of materials which may discharge to or otherwise enter the stormwater system.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-16-05, § 1, 1-18-05; Ord. No. O-26-2013, § 1, 2-5-13; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-5. Performance and indemnity agreement.

In order to ensure that any site development complies with the requirements of this chapter, the Director shall have the authority to require a performance and indemnity agreement, together with a letter of credit, a cashier's check, or a surety bond from an approved financial institution or insurance carrier which guarantees satisfactory completion of the project and names the City as beneficiary, and in the case of a lessee, assures the lessee's proper maintenance of stormwater facilities during the term of its lease and the proper removal of water quality facilities by the lessee at the end of the term of its lease. The security shall be provided by the property owner, lessee, or developer in a form and in an amount to be determined by the Department of Engineering based on submission of plans and actual construction or potential remediation expenses. In addition, a lessee shall pay the City an amount determined by the Director, that in no event shall be less than five thousand dollars (\$5,000.00), to compensate the City for any perpetual maintenance that may be required after the expiration of the lessee's lease.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-6. Right of entry.

The Director may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system during all reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this chapter.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-7. Notice of violation.

Whenever the Director determines that a violation of any provision of this chapter has occurred, that work does not have a required plan or permit, or that work does not comply with an approved plan or permit, the Director may issue a notice of violation to the property owner, utility, facility operator, lessee, tenant, contractor, permittee, the equipment operator, any other person or entity doing work on the site, or any combination thereof. The notice of violation shall:

- (a) Be in writing;
- (b) Include a description of the property sufficient for identification of where violation has occurred;
- (c) List the violation;
- (d) State the action required; and
- (e) Provide a deadline for compliance or to stop work.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-8. Penalties (Articles I, II, and III).

(a) Any person violating the provisions of this chapter may be assessed a civil penalty by the City of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000.00) per violation, per site, per day for each day of violation. A person may be deemed guilty of a separate violation for each day during any continuing violation of any provision of this ordinance, of any regulation, or of any permit issued hereunder. All penalties collected under the provisions of this section shall inure exclusively to the use and benefit of the Department of Engineering for remediation projects and educational endeavors associated with stormwater activities.

- (b) In assessing a civil penalty, the City considers the following:
- (1) The harm done to the public health or the environment;

- (2) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - (3) The economic benefit gained by the violator;
 - (4) The amount of effort put forth by the violator to remedy this violation;
 - (5) Any unusual or extraordinary enforcement costs incurred by the City;
 - (6) The amount of penalty established by ordinance or resolution for specific categories of violations;
 - (7) Any equities of the situation that outweigh the benefit of imposing any penalty or damage assessment;
 - (8) Willingness and cooperation of the violator to remedy this violation and remediate any damage;
 - (9) Whether the violation was intentional, negligent, or accidental;
 - (10) Costs incurred by the City of Knoxville for any administrative or remediation costs, including the investigative and monitoring activities. This is often computed in terms of number of man-hours necessary to deal with the problem; and
 - (11) Prior violations for this violator or at this location.
- (c) In addition to the civil penalty, the City may recover all damages proximately caused by the violator to the City, which may include any expenses and attorney's fees incurred in investigating, enforcing, and correcting violations of this chapter.
- (d) An expedited order for partial civil penalty assessment may be issued at the time of violation. The amount of the expedited order shall be set by ordinance for specific categories of violations as mentioned in section 22.5-8.b.6.
- (e) The Director has the authority to allow a reduction in civil penalty assessments for penalties paid within thirty (30) days of issuance. Reductions shall not be considered for violations that have been repeated within twelve (12) months of the subject violation.
- (f) The City may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or in equity, shall be no defense to any such actions.
- (g) 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.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-166-2011, § 1, 11-29-11; Ord. No. O-26-2013, § 2, 2-5-13; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-9. Board of Environmental Appeals (Articles I, II, and III).

- (a) There is created a Board of Environmental Appeals (BEA) to hear appeals filed by any person incurring a civil penalty or damage assessment imposed pursuant to this chapter.
- (b) The BEA may issue subpoenas requiring attendance of witnesses and production of evidence, administer oaths, and take testimony as the BEA deems necessary to fulfill its purpose.
- (c) The BEA shall be composed of five (5) members appointed by the mayor and confirmed by council.
 - (1) The mayor shall select appointees so that the BEA will consist of individuals with an expertise as follows:
 - a. One (1) registered professional engineer licensed to practice in the state of Tennessee with at least three (3) years of engineering experience as a professional engineer;
 - b. One (1) registered architect, engineer, landscape architect, or surveyor licensed to practice in the state of Tennessee with at least three (3) years of experience;
 - c. One (1) representative of the development or industrial community;
 - d. One (1) neighborhood representative; and
 - e. One (1) member at large.

- (2) In addition to qualifications a. through e. of section 22.5-9.c.1., one (1) of the five (5) members must have at least three (3) years civil engineering experience, and a second member must have at least three (3) years civil or environmental engineering experience.
- (3) BEA members shall serve for a term of five (5) years. A BEA member shall continue to serve, however, until a successor has been appointed or until the BEA member has been reappointed, as the case may be. The terms of the original BEA members shall be staggered so that the term of one (1) member shall expire each year.
- (4) An appointment to succeed a BEA member who is unable to serve said member's full term shall be for the remainder of said member's term.
- (5) BEA members may be reappointed, but they do not succeed themselves automatically.
- (6) BEA members shall serve without compensation.
- (d) The BEA shall annually select one (1) of its members to serve as chair and another member to serve as vice-chair of the BEA by a majority vote of all members.
- (e) The BEA shall keep complete and accurate records of the proceedings of all their meetings. The Department of Engineering shall designate a person to serve as secretary to the BEA.
- (f) No BEA member shall participate in the appeal of any matter in which the member has a direct personal or financial interest.
- (g) Three (3) members of the BEA shall constitute a quorum, and the concurrence of a majority of the BEA present and voting in any matter shall be required for a determination of any matter within its jurisdiction.

(Ord. No. O-139-04, § 1, 8-17-04; O-281-2017, § 12-05-17)

Section 22.5-10. Appeals (Articles I, II, and III).

Any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said civil penalty or damage assessment to the Board of Environmental Appeals (BEA).

- (a) The appeal shall be in writing and filed with the Law Department within thirty (30) days after the civil penalty or damage assessment is served in any manner authorized by law.
- (b) Upon receipt of an appeal, the BEA shall hold a public hearing for the appellant to present their case within sixty (60) days or a later date mutually agreed upon by the parties, not to exceed one hundred eighty (180) days. After the one hundred eighty (180) days, if a mutually agreed upon date has not been determined, then the appeal will be heard at the next available public hearing where there is a quorum. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily paper of general circulation. Ten (10) days' notice shall be provided to the aggrieved party at the address provided at the time of appeal.
- (c) Any alleged violator may appeal a decision of the BEA pursuant to the provisions of title 27, chapter 8 of Tennessee Code Annotated.
- (d) If a petition for review of such civil penalty or damage assessment is not filed within thirty (30) days after the civil penalty or damage assessment is served in any manner authorized by law, the violator shall be deemed to have consented to the civil penalty or damage assessment, and it shall become final and is due immediately.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-11. Severability.

Each separate provision of this chapter is deemed independent of all other provisions herein so that if any provision or provisions of this chapter shall be declared invalid, all other provisions thereof shall remain enforceable.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Sections 22.5-12-17. Reserved.

ARTICLE II. STORMWATER REQUIREMENTS

Section 22.5-18. Purpose.

This article is adopted to improve public safety, to control the rate of flow of stormwater, to minimize increases in the peak flow rates of stormwater runoff caused by site development within the city, to control new site development, and to minimize any detrimental effect on water quality during construction or by the completed facility.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-19. Declaration document (Deed document).

- (a) A declaration document may be used to grant certain easements, on property that is recognized as a lot of record, including but not limited to stormwater facilities, access, and sidewalks.
- (b) A declaration document facilitates the process whereby (1) a property owner grants easements, (2) a lessee grants easements running through the term of its lease, and (3) a property owner or lessee relocates or abandons previous easements, when the City of Knoxville is the easement holder, due to changes in the site development or certification.
- (c) The declaration document process is completed by recording an approved written legal document, in which the easements are declared, described, and shown on an attached survey map exhibit. All exhibits shall be prepared on letter or legal-sized paper, certified by a licensed land surveyor, and recorded in the Knox County Register of Deeds Office. At the discretion of the Law Director, the written document may be a form document provided by the Law Department or may be a document prepared by the property owner's or lessee's attorney and approved by the Law Department. Survey map exhibits shall be approved by the Department of Engineering.
- (d) A declaration document may not be used when the Director determines, in unforeseen or unusual circumstances, that this process shall not be an option.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-16-05, § 1, 1-18-05; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-20. Plat/easement requirements for the issuance of a building permit.

- (a) No building permit shall be issued unless the property shown on the approved site development plan is a single lot of record, except as provided in section 22.5-20.c.
- (b) No building permit shall be issued until the required easements for the stormwater facilities and access to the stormwater facilities, identified on the approved site development plan, are dedicated as permanent easements. Easement dedications can be done by Declaration Document per section 22.5-19 or on a recorded subdivision plat, except as provided in section 22.5-20.c. In the case of a Lessee, recorded easements for the stormwater facilities and access to the stormwater facilities run only through the term of the stormwater facilities lease.
- (c) In limited situations, extenuating circumstances may exist that prevent the timely recording of a plat to create a lot of record or dedicate stormwater easements. After evaluating these circumstances, the department of engineering may approve a building permit based on the acceptance of a promissory letter from the owner, developer, or surveyor stating their commitment to record the plat within a forty- five-day grace period. A fee will be required prior to the acceptance of the promissory letter. One (1) fifteen-day extension may be granted for an additional fee. The terms for the promissory letter and extension shall be at the director's discretion. The department of engineering is in no way obligated to accept promissory letters or extensions. On the expiration of the promissory letter or extension, the department of engineering may issue a stop work order to suspend all work on the property until the final plat is recorded.
- (d) Before a promissory letter will be accepted, the following minimum requirements must be met:
 - (1) A site development plan must be approvable by the Department of Engineering;

- (2) A final plat must be submitted to the Metropolitan Planning Commission for recording;
- (3) The Department of Engineering must have reviewed the plan and plat;
- (4) The plan and plat must be consistent; and
- (5) The property as platted must not be subject to any unapproved variances.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 1, 12-05-17; Ord. No. O-83-2019 § 1, 6-04-19)

Section 22.5-21. General design criteria.

- (a) The Director has the authority to adopt site development design criteria.
- (b) The standard method of drainage computation shall be as set forth in section 22.5-33.
- (c) The stormwater system, excluding stormwater basins, water quality control facilities, systems required to carry stormwater to stormwater basins or water quality control facilities, and sinkholes, shall be designed to accommodate a 10-year frequency storm. For facilities which would flood public roads, a 25-year frequency storm shall be used in the design to prevent flooding of local roads and collectors, and a 50-year frequency storm shall be used in the design to prevent flooding of arterial streets. A 100-year frequency storm shall be used in the design to prevent flooding of all new structures and ensure no additional adverse impact on existing structures. For site development located within the limits of the Flood Insurance Study, the Flood Damage Prevention and Control Ordinance O-347-90 (Chapter 12 of the Knoxville City Code) shall also apply. All stormwater systems shall be designed to have no additional adverse impact on upstream or adjacent property in the 50-year frequency storm, unless an adequate permanent drainage easement is obtained.
- (d) For drainage generated by areas greater than two hundred (200) acres, the flow for a 100-year frequency storm shall be computed. Such flow may exceed the capacity of facilities designed to comply with the requirements of lesser floods as noted in section 22.5-21.c. and shall be contained in the public right-of-way or a permanent drainage easement on the property being improved or developed.
- (e) Material for pipes used for conveyance of stormwater within the city shall be in accordance with the following:
 - (1) Stormwater pipes installed under City streets, private rights-of-way, joint permanent easements (JPEs), or within the roadway prism of City streets and JPEs shall be reinforced concrete pipe (RCP).
 - (2) Driveway pipes shall be RCP. However, High-density polyethylene pipe (HDPE), corrugated double-walled polyvinyl chloride pipe (PVC), or corrugated metal pipe (CMP) may be used for single family and duplex development where:
 - a. A pipe only conveys water under non-heavily traveled driveways,
 - b. A pipe is located outside of the roadway prism, and
 - c. The installation would not cause flooding of adjacent properties or rights-of-way in the event of pipe failure.
 - (3) RCP is required for all stormwater systems located within new residential developments (includes residential condominium developments).
 - (4) RCP, HDPE, PVC, and CMP may be used to convey stormwater generated on the particular property (on-site drainage), i.e. parking lots, buildings, etc.
 - (5) Any pipe, culvert, or drainage system dedicated to the City, or installed with the intent of dedication to the City, whether inside or outside the right-of-way, shall be constructed of RCP.
 - (6) RCP is required for all stormwater pipes and culverts that carry water generated on adjacent properties or areas (off-site water).
 - (7) RCP is required if the failure of the pipe would cause flooding or potential property damage on adjacent properties.
 - (8) RCP is required for all stormwater basin outlet structures and for all stormwater outlet pipes that drain through the berm of a stormwater basin continuing to its terminus or the

connection to a downstream system. Underground detention facilities that do not have a berm associated with their construction may use HDPE for the pipe material downstream of the outlet structure provided that in the event of a failure of the pipe, no offsite properties will be adversely affected.

- (9) Ductile Iron (DI) is an acceptable alternative pipe material for RCP.
- (10) The Director may approve the use of alternative pipe materials in overlapping rights of way or easements when necessary to accommodate special conditions presented by railroads, pipelines, utilities, unique facilities, or other sensitive areas.
- (f) Construction fill that alters the conveyance or storage capacity of the regulated floodplain is prohibited in the flood fringe in an area bounded by the floodway line and the no-fill line. This requirement may be waived if a development occurs on a lake/river regulated by Tennessee Valley Authority (TVA) and where a TVA flowage easement exists or if a drainage study prepared by a registered professional engineer licensed to practice in the state of Tennessee shows a rise of less than one-tenth (0.1) foot on existing properties within one-half (0.5) mile (upstream or downstream) of the proposed development using a method widely accepted among engineering professionals.
- (g) When existing or documented flooding problems are present, the Director has authority to condition the approval of a permit upon the compliance with additional requirements, including but not limited to detention, conveyance facilities, or other stormwater management solutions required to reduce the adverse impact of the proposed development on public right-of-way, other properties, or on the subject development.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-16-05, § 1, 1-18-05; Ord. No. O-26-2013, § 3, 2-5-13; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-22. Site development design manuals.

The Department of Engineering is authorized to adopt additional policies, criteria, specifications, and standards for the proper implementation of the requirements of this chapter in a *Land Development Manual (LDM)* and a *Best Management Practices Manual (BMP Manual)*. The policy, criteria, and requirements of the *LDM* and the *BMP Manual*, both as amended by the City's Department of Engineering, shall be enforceable consistent with other provisions of this chapter.

The Department of Engineering is specifically authorized to adopt and update the City of Knoxville Qualified Local Program Construction General Permit policy.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-26-2013, § 4, 2-5-13; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-23. Stormwater basins.

- (a) The requirement for stormwater basins shall apply to the following:
 - (1) All road construction exceeding one-half (½) acre of impervious area;
 - (2) All commercial, industrial, educational, institutional, and recreational developments of one (1) acre or more of disturbed area;
 - (3) Large single-family or duplex residential developments of five (5) acres or more of disturbed area or five (5) lots or more;
 - (4) Any site development which contains one-half (½) acre or more of additional impervious area since June 1997.
 - (5) Any redevelopment which contains one-half (½) acre or more impervious area.
- (b) For areas of redevelopment, if the downstream system (routed through the second existing street crossing, a blue-line stream, interstate right-of-way, railroad right-of-way, or off-site stormwater detention, whichever is closest) is examined and found to be adequate to carry the 2-year and 10-year frequency storms, the requirement for detention for areas of redevelopment may be waived. However, if the examination finds inadequate conveyance for the 2-year and 10-year frequency storms, the Director has authority to condition the approval of a permit upon compliance with additional requirements, including but not limited to detention, conveyance facilities, or other

stormwater management solutions required to reduce the adverse impact of the proposed development on the public right-of-way, other properties, or on the subject development. The engineer is charged with determining the predeveloped (before any site development had occurred) conditions, including the curve number. If the engineer cannot determine the predeveloped conditions, then a maximum predeveloped curve number of seventy (70) may be used to compute the predeveloped flow and satisfy the requirement. In areas of redevelopment, detention or retention is required for the entire developed site, not just the portion of the site being redeveloped.

- (c) If in the developer's judgment, stormwater detention is unwarranted or impractical, hydrologic and hydraulic computations to support such a conclusion and to demonstrate that stormwater runoff peak rates shall not be increased for storm events identified in the design standards for detention basins in this chapter shall be furnished to the Department of Engineering for review.
- (d) Where the development's stormwater discharges directly into a main stream, detention for peak flow attenuations is not required unless deemed necessary by the Department of Engineering.
- (e) Exclusions from detention do not exempt the developer from providing water quality requirements.
- (f) When existing or documented flooding problems are present, the Director has authority to condition the approval of a permit upon the compliance with additional requirements, including but not limited to detention, conveyance facilities, or other stormwater management solutions required to reduce the adverse impact of the proposed development on the public right-of-way, other properties, or on the subject development.
- (g) Stormwater basins located in residential subdivisions must be located on two (2) or more buildable lots or in a common area with a legally established property owners' organization with responsibility for maintenance and repair of the stormwater basin.
- (h) Stormwater basins located in non-residential subdivisions must be located on one (1) or more buildable lots or in a common area with a legally established property owners' organization with responsibility for maintenance and repair of the stormwater basin.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-24. Erosion prevention and sediment control.

- (a) In order to protect, maintain, and enhance the immediate and long-term health, safety, and general welfare of the citizens of the City, this article has the following objectives:
 - (1) Prevent erosion and sedimentation to limit deposition in streams and other water bodies; and
 - (2) Facilitate the removal of pollutants in stormwater runoff to perpetuate the natural functions of streams.
- (b) To comply with state, federal, and local regulations, erosion prevention and sediment control shall be regulated by this article because of the following water quality impacts:
 - (1) Stormwater runoff can carry pollutants into receiving water bodies, thereby degrading water quality;
 - (2) The increase in nutrients in stormwater runoff such as phosphorus and nitrogen accelerates eutrophication of receiving waters;
 - (3) Construction requiring land clearing and the alteration of natural topography tend to increase erosion;
 - (4) Siltation of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation, harms flora and fauna, destroys habitat, and reduces populations of aquatic species; or
 - (5) Substantial economic losses can result from these adverse impacts on community waters.
- (c) When site development occurs, the following actions are required:
 - (1) Install, inspect, repair, and maintain all erosion prevention and sediment controls for any site development;

- (2) Install, inspect, repair, and maintain all erosion prevention and sediment controls per the requirements of the approved permits and plans.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-26-2013, § 5, 2-5-13; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-25. Reserved

Section 22.5-26. Site development permit.

- (a) A site development permit from the Department of Engineering is required to:
 - (1) Grade, dump, alter natural or existing topography, move or place fill material, excavate, remove any vegetation not exempted by the Tree Protection Ordinance, or begin any land disturbance activities;
 - (2) Alter any natural or manmade drainage system so as to divert, constrict, increase, or change in any manner the natural or existing flow of any stream, natural drainage, or existing drainage of any area;
 - (3) Commence site development or construction of any building or structure; or
 - (4) Clear any site by means that causes disturbance of soil.
- (b) No person shall:
 - (1) Perform site development equal to or greater than one (1) acre without first obtaining a City of Knoxville Qualified Local Program Construction General Permit; or
 - (2) Perform site development work beyond the scope of the approved site development plan.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-26-2013, § 6, 2-5-13; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-27. Site development plan.

- (a) A site development plan shall be required for any site development except when:
 - (1) The developed area is used for gardening or agricultural purposes;
 - (2) The proposed work does not, in the opinion of the Department of Engineering, affect the drainage on the site or the quality of stormwater runoff from the site.
- (b) A site development plan shall contain the following:
 - (1) The name, address, and telephone number of all persons having a legal interest in the property;
 - (2) The tax map number, group, and parcel number of the property or properties affected; and
 - (3) Information that complies with the requirements of the Tree Protection Ordinance.
- (c) A registered professional engineer licensed to practice in the State of Tennessee must prepare and stamp portions of the site development plan that require hydraulic or hydrology calculations and design, as well as, all roads, private rights-of-way, and joint permanent easements that are required to be designed and built to public road standards.
- (d) Additional information is required for site development plans based on the type of development.
 - (1) Small single-family residential development.
 - a. A topographic map showing and identifying:
 1. The proposed area of land disturbance;
 2. The layout of the structure(s);
 3. Location of all depressed areas;
 4. Blue-line streams and any related lines, e.g. no fill line, riparian buffer zone, floodway, 500-year floodplain, 100-year floodplain, and F-1 zone;
 5. Any proposed or existing easements, e.g. stormwater facility easements, access easements, drainage easements, and TVA easements;
 6. All existing and proposed components of the stormwater system; and
 7. Erosion prevention and sediment control measures.
 - b. Other information as required by the Director.
 - (2) Large residential and commercial development.
 - a. Plans showing and identifying:

1. Existing and proposed two-foot contours;
 2. Parking lot;
 3. Drainage facilities;
 4. Cut and fill slopes;
 5. All stormwater pipe size, material, slope, and location;
 6. Location of all depressed areas;
 7. Blue-line streams and any related lines, e.g. no fill line, riparian buffer zone, floodway, 500-year floodplain, 100-year floodplain, and F-1 zone;
 8. Any proposed or existing easements, e.g. stormwater facility easements, access easements, drainage easements, and TVA easements;
 9. Erosion prevention and sediment control measures;
 10. Stormwater basin data, e.g. size, location, slope of bottom, outlet, invert, top elevations, spillway size, and elevation;
 11. Catch basin locations and elevations, e.g. top of casting, sump, and invert;
 12. Swales, ditches, and their stabilization treatment;
 13. Building pad contours and building pad elevations; and
 14. Dumpster pad elevations and location.
- b. When the site development plan includes a street to be dedicated to the City, a complete set of roadway plans must be submitted including:
1. Profiles, grades, and K-values;
 2. Horizontal curvature;
 3. Cross sections showing cross slope, limits of construction, clear zones, utility strips, and sidewalks (greenway/pedestrian facilities);
 4. Signage plan;
 5. Street-lighting fixture types; and
 6. Any above-ground fixed objects in the right-of-way.
- c. Large residential and commercial development plans that are submitted to the Department of Engineering and that do not include the following items will be rejected and will not be reviewed further until submission standards are met:
1. A stamp and signature from appropriate design professional;
 2. Plans sheets and supplemental material such as calculations that are legible (for scanning and reproducing);
 3. Constructible designs;
 4. All required hydraulic and hydrologic calculations with assumptions;
 5. Pre- and post- developed contours;
 6. An erosion prevention and sediment control plan;
 7. Required retaining wall calculations;
 8. The Owner's and, if applicable, Lessee's name, address, and phone number;
 9. A vicinity map;
 10. The city block number;
 11. The parcel ID; and
 12. A certified address from the Metropolitan Planning Commission.
- (3) Utilities development.
- a. Utilities development requires plans showing the following:
1. The names and addresses of all property owners;
 2. The name, address, and contact person of the utility;
 3. The name, address, and contact person of the engineering firm;
 4. A vicinity map;
 5. A graphical scale;
 6. The stamp and signature of a registered professional engineer licensed to practice in the state of Tennessee;

7. Total project length in feet;
 8. All property lines;
 9. Existing easements;
 10. Pre- and post- development contours;
 11. All water features;
 12. All topographic features such as sinkholes;
 13. Appropriate delineations, e.g. no-fill line, riparian buffer zone, floodway, and F-1 zone;
 14. Appropriate construction details; and
 15. An effective erosion prevention and sediment control plan with details adequate for installation and inspection that complies with the TDEC "Erosion and Sediment Control Handbook," Fourth Edition dated August 2012, or the City's *BMP Manual*, current as of the date of the submission of the plans.
- b. The site development permit requirements for any utility entity currently subject to a court order or decree shall be determined by the Department of Engineering.
- (e) When existing or documented flooding problems are present, the Director has authority to condition the approval of a permit upon the compliance with additional requirements, including but not limited to detention, conveyance facilities, or other stormwater management solutions required to reduce the adverse impact of the proposed development on the public right-of-way, other properties, or on the subject development.
- (f) An erosion prevention and sediment control plan must be provided as follows:
- (1) Small single-family residential development—Requires no erosion prevention and sediment control plan except if the residential development, exclusive of agricultural, gardening, farming, and similar areas of activity, results in disturbance of more than ten thousand (10,000) square feet or as deemed necessary by the Director. When a plan is deemed necessary, the erosion prevention and sediment controls must comply with the TDEC Erosion and Sediment Control Handbook, Fourth Edition, dated August 2012, or the City's *BMP Manual*, current as of the date of the submission of the plans.
 - (2) Large residential and commercial development—Requires an erosion prevention and sediment control plan that is stamped by a registered professional engineer, architect, or landscape architect licensed to practice in the state of Tennessee and complies with the TDEC Erosion and Sediment Control Handbook, Fourth Edition, dated August 2012, or the City's *BMP Manual*, current as of the date of the submission of the plans.
 - (3) Portions of the erosion prevention and sediment control plan that require hydrology or hydraulic calculations and design shall be prepared and stamped by a registered professional engineer licensed to practice in the state of Tennessee.
- (g) When the Department of Engineering has determined the site development plan is approvable, it will send written notification authorizing the installation of the erosion prevention and sediment control measures. When the erosion prevention and sediment control plan has been implemented on site, the appropriate design professional required to stamp the erosion prevention and sediment control portion of the site development permit will provide written notification to the Department of Engineering stating that they have inspected the site and the erosion prevention and sediment controls have been implemented as shown on the approved erosion prevention and sediment control plan. This written notification must be signed and sealed by the appropriate design professional.
- (h) Stormwater facilities documentation.
- (1) An easement is required for proposed stormwater facilities. The easements can be dedicated by either Declaration Document or plat. The Declaration Document or plat shall locate, establish, and define an easement around each facility. The Covenants shall be referenced on the Declaration Document or plat.

- (2) In order to provide access to stormwater facilities for personnel, vehicles, and equipment, the property owner or lessee will provide traversable access from a public street to the stormwater facility. Access rights may be granted by either Declaration Document or plat in strict accord with the plan and any conditions required by the Department of Engineering.
- (3) A stormwater facility required to comply with a SPAP may not require an easement. Covenants are still required.
- (i) Before any residential lot(s) in a platted subdivision may be transferred, the engineer of record must sign and seal a letter stating that all supporting stormwater and street infrastructure and grading has been completed for the subject lot(s), or the development certification may be submitted to and approved by the Department of Engineering. Failure to comply with this requirement may result in any combination the following:
 - (1) Revocation of the surety bond, cashier's check, or letter of credit thereby revoking the ability to obtain permits;
 - (2) Cancellation of permits on properties; and
 - (3) Implementation of all available legal remedies.
- (j) A surety bond, cashier's check, or letter of credit must be provided as follows:
 - (1) A performance and indemnity agreement is required prior to the issuance of a site development permit for rough grading or site development when there is a potential for runoff to adversely impact public rights-of-way or other property, when sites drain into sinkholes, or when the site is used for a borrow pit. The performance and indemnity agreement shall be guaranteed in the form of a cashier's check, a letter of credit, or a surety bond.
 - (2) A performance and indemnity agreement is required for large residential development when there is a potential for runoff to adversely impact public rights-of-way or other property, when sites drain into sinkholes, when the site is used for a borrow pit, a stormwater basin is required, or there is construction of a joint permanent easement, private right-of-way, or public road. The performance and indemnity agreement shall be guaranteed in the form of a cashier's check, a letter of credit, or a surety bond. The actual amount is based on a remediation and completion estimate as determined by the Department of Engineering, with a minimum amount of fifty thousand dollars (\$50,000.00).
 - (3) A performance and indemnity agreement is required for commercial development when there is a potential for runoff to adversely impact public rights-of-way or other property, when sites drain into sinkholes, when the site is used for a borrow pit, a stormwater basin is required, or there is construction of a joint permanent easement, private right-of-way, or public road. The amount is based on the project cost estimate that includes roadway facilities, drainage facilities, and erosion prevention and sediment control remediation. The performance and indemnity agreement shall be guaranteed in the form of a cashier's check, a letter of credit, or a surety bond. The actual amount is based on a remediation and completion estimate as determined by the Department of Engineering, with a minimum amount of ten thousand dollars (\$10,000.00).
 - (4) A surety bond, cashier's check, or letter of credit is not required for small single-family residential development except when deemed necessary by the Director based on site conditions and the adverse impact on downstream conditions or other properties.
 - (5) The Director may refuse brokers or financial institutions the right to provide a surety bond, cashier's check, or letter of credit based on past performance, ratings of the financial institution, or other appropriate sources of reference information.
- (k) Prior to the release of a bond, a development certification must be completed.
 - (1) The development certification shall show that the as-built field conditions have been field verified and comply with the approved plans.
 - (2) The development certification must be stamped by the appropriate design professional required to stamp the original site development permit as stated in section 22.5-27.c. A

registered land surveyor licensed to practice in the state of Tennessee must also stamp certifications that include a survey drawing.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-16-05, § 1, 1-18-05; Ord. No. O-045-05, § 1, 2-15-05; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-28. Temporary emergency exemption.

In extreme circumstances, when a delay in construction may cause significant property damage or loss of life, the Director may grant a temporary exemption from a site development permit. Specific instances may include a sinkhole opening up which threatens homes or personal safety or a failure of a storm system where the flooding could cause property damage or loss of life. This exemption is limited to work specific to resolving the dangerous situation(s). Any approval for work granted under this emergency exemption must be issued in writing and approved by the Director. After the emergency has been resolved, a site development permit must be obtained for the emergency work and any additional proposed work. This should be accomplished through the standard review process. This temporary emergency exemption does not provide immunity from any of the design criteria of this ordinance.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-29. Fees.

(a) When a site development plan review is required, the following fee schedule applies and will be required upon the submittal of the plans.

(1) Site development plans review fees (based on disturbed area):

Small single-family residential.....	\$ 0.00
Less than one (1) acre:.....	\$ 150.00
One (1) acre to five (5) acres:.....	\$ 150.00 + \$ 20.00/acre (acres 1- 5)
More than five (5) acres:	\$ 250.00 + \$ 10.00/acre (acres 6+)
Subdivisions with one (1) to fifty (50) lots:	\$ 150.00 + \$12.00/lot (lots 1 - 50)
Subdivisions with fifty-one (51) lots or more:	\$ 750.00 + \$8.00/lot (lots 51+)

The plans review fee for Site Development Plans includes the initial submittal and two (2) resubmittals. Beginning with the third (3rd) resubmittal, an additional plans review fee of one hundred dollars (\$100.00) is due for each resubmittal.

(b) When a site development permit is required, the following fee schedule applies and will be required before the issuance of the permit.

(1) Site development permits without a bond:

a. Small single-family residential:	\$ 10.00
b. All other projects:	\$ 50.00

(2) Site development permits with a bond (based on disturbed area):

a. Less than one (1) acre:	\$ 350.00
b. One (1) acre or more:.....	\$ 350.00 + \$15.00/acre

(3) Site development permits with subdivisions:

a. One (1) to four (4) lots:.....	\$ 150.00 + \$10.00/lot (lots 1 - 4)
b. Five (5) to fifty (50) lots:	\$ 350.00 + \$20.00/lot (lots 1 - 50)
c. Fifty-one (51) lots or more:.....	\$ 1,350.00 + \$5.00/lot (lots 51+)

(4) Site development permits for utilities (except for utility entities currently subject to a court order or decree, the fees for which shall be determined by the Department of Engineering):

a. Maintenance: \$15.00 per 20 square yards plus \$0.50 per each additional square yard.
b. Construction: \$1.00 per linear foot of conduit (e.g., pipe, cable, wire, fiber optics) with a \$200.00 minimum.

(c) The fee for a site development permit issued after site development has begun without a permit shall be ten (10) times the standard fee.

- (d) A site development permit is valid for one (1) year. A permit may be renewed before it expires at no additional cost. Once a permit expires, the appropriate permitting fee shall be charged for the renewal.
- (e) If an individual permit for grading, erosion prevention and sediment control, or drainage is requested, the appropriate permitting and review fee will be charged for each permit.
- (f) The cost to review each special pollution abatement permit (SPAP) application shall be two hundred dollars (\$200.00). Reapplication prior to the expiration date of the permit may be eligible for a fifty (50) percent review fee reduction.
- (g) When a final plat review is required, the following fee schedule applies and will be required before approval:
 - (1) Administrative plat: \$ 80.00
 - (2) Exempt subdivision and corrected plats: \$ 70.00
 - (3) All other plats:
 - a. One (1) to fifty (50) lots: \$ 100 + \$10.00/lot
 - b. Fifty-one (51) or more lots: \$ 600 + \$6.00/lot (lots 51+)
 - c. Declaration Document: \$ 150.00
- (h) Mathematical closure checks of property and easement boundaries are performed for all subdivision plat submittals, Exempt plats requiring inclusion on the ward map, and declaration documents that are submitted for review within the City of Knoxville. A \$100.00 fee will be assessed on the third submittal and all subsequent submittals, thereafter, for which a misclosure is noted.
- (i) The fee for the approval of a promissory letter committing to record a plat within forty-five (45) days shall be five hundred dollars (\$500.00). A fifteen (15) day extension of this time frame to record a plat shall be an additional two hundred dollar (\$200.00) fee.
- (j) Whenever a construction general permit is required, the following fee schedules apply:
 - (1) The following fees shall be charged for general construction application and will be required before the issuance of the permit:
 - a. Equal to or greater than one (1) acre but less than five (5) acres, two hundred fifty dollars (\$250.00).
 - b. Equal to or greater than five (5) acres but less than twenty (20) acres, one thousand dollars (\$1,000.00).
 - c. Equal to or greater than twenty (20) acres but less than fifty (50) acres, three thousand dollars (\$3,000.00).
 - d. Equal to or greater than fifty (50) acres but less than one hundred fifty (150) acres, six thousand dollars (\$6,000.00).
 - e. Equal to or greater than one hundred fifty (150) acres, ten thousand dollars (\$10,000.00).
 - (2) For all construction general permits issued on or after January 1, 2018, the following permit maintenance fees shall be charged on an annual basis for all construction activities that exceed one (1) year under general permit coverage and shall be collected prior to the renewal of the site development permit
 - a. Fee Schedule
 - 1. Equal to or greater than one (1) acre but less than five (5) acres, one hundred twenty-five dollars (\$125.00).
 - 2. Equal to or greater than five (5) acres but less than twenty (20) acres, five hundred dollars (\$500.00).
 - 3. Equal to or greater than twenty (20) acres but less than fifty (50) acres, one thousand dollars (\$1,000.00).
 - 4. Equal to or greater than fifty (50) acres but less than one hundred fifty (150) acres, two thousand dollars (\$2,000.00).
 - 5. Equal to or greater than one hundred fifty (150) acres, three thousand seven hundred fifty dollars (\$3,750.00).

- b. If the permit maintenance fees are not paid on an annual basis, as required, they may be collected, in full, prior to the approval of the development certification or collected from the bond prior to its release.
- (k) All fees and charges collected under the provisions of this section shall inure exclusively to the use and benefit of the Department of Engineering for operations associated with stormwater related activities. The excess of revenues less operating costs may be transferred to the general fund for general operations.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-16-05, § 1, 1-18-05; Ord. No. O-166-2011, § 2, 11-29-11; Ord. No. O-26-2013, § 7, 2-5-13; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-30. Reserved.

Section 22.5-31. Design standards for detention and/or retention basins.

- (a) The calculated peak flow rate of stormwater runoff resulting from a 1-year, 2-year, 5-year, 10-year, 25-year, and 100-year frequency storm shall be no greater after site development of the site than that which would result from a 1-year, 2-year, 5-year, 10-year, 25-year, and 100-year frequency storm on the same site prior to site development.
- (b) Adequate attention must be given to safety and sanitation in the design of any detention or retention facility. This includes, but is not limited to, a minimum of two (2) percent slope in the bottom of all stormwater basins, a minimum of 3:1 (H:V) side slopes or with traversable access to the basin's bottom and side slopes for maintenance, proposed contours should reflect fifteen (15) percent additional area for each two-foot contour of the stormwater basin based on the appropriately sized basin for the 1-year, 2-year, 5-year, 10-year, 25-year, and 100-year frequency storms, a minimum of four thousand five hundred (4,500) cubic feet of storage volume, and a minimum of one (1) foot of freeboard from the highest water surface elevation for the largest required design storm to the top of the berm before the fifteen (15) percent additional volume is added. An exception can be made to the minimum slope requirement in the bottom of the basin if the first flush requirement is not managed in the quantity detention basin and the basin invert is finished in concrete.
- (c) The plans shall include sufficient design information to show that the facility will operate as required. This design shall include the predevelopment and postdevelopment peak flow discharges, volumes of stormwater runoff based on the proposed site development, as well as all necessary computations used to determine the reduced peak flow rates for the design storms. The capacity of the facility shall be sufficient to control the volume of stormwater runoff resulting from 1-year, 2-year, 5-year, 10-year, 25-year, and 100-year frequency storms within the peak flow requirements stated in this subsection.
- (d) Discharge from the stormwater basins shall be routed to a ditch, channel, or stormwater facility of adequate capacity. Calculations showing the capacity of the receiving stormwater facility and its capability to convey a 10-year frequency storm shall be provided. If the receiving stormwater facility is incapable of conveying a 10-year frequency storm, calculations showing the capacity of the receiving stormwater facility and its capability to convey a 2-year frequency storm shall also be provided. These calculations will show how the flow is routed through the second existing street crossing, a blue-line stream, interstate right-of-way, railroad right-of-way, or off-site stormwater detention, whichever is closest. The Director has authority to condition the approval of a permit upon the compliance with additional requirements, including but not limited to correctly sizing and installing offsite conveyance facilities or other stormwater management solutions required to reduce the adverse impact of the proposed development on other properties or the development.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-16-05, § 1, 1-18-05; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-32. Requirements for developments draining to a sinkhole.

- (a) Site development on property that includes a sinkhole will require copies of the appropriate permits from the Tennessee Department of Environment and Conservation (TDEC) prior to site development approval. After review of the state permit, the Director may require additional information related to structural integrity and flood protection. If the proposed development does not require TDEC approval, a letter from TDEC shall be submitted prior to the issuing of a site development permit, stating that a TDEC permit is not required.
- (b) For site development or redevelopment projects requiring attenuation or retention of the 1-year, 2-year, 5-year, 10-year, 25-year, and a 100-year frequency storms with sinkholes entirely on site, calculations shall be provided showing that 100-year frequency storm will not flood any structures assuming plugged conditions (zero (0) cfs outflow) for the sinkhole. These calculations must include the entire contributing watershed for the sinkhole. An easement is required around the sinkhole to include an area that is a minimum of five (5) feet horizontally outside the 100-year water surface elevation.
- (c) For site development or redevelopment projects requiring attenuation or retention of the 1-year, 2-year, 5-year, 10-year, 25-year, and 100-year frequency storms with sinkholes partially on site, calculations must be provided showing that there will not be a rise in water surface elevations between the 100-year predeveloped and the 100-year postdeveloped frequency storm assuming plugged conditions (zero (0) cfs outflow) for the sinkhole. An easement is required at a minimum of five (5) feet horizontally outside the 100-year water surface elevation on the section of the sinkhole located on the developed property. A rise in the 100-year water surface elevation is allowable when no structures will be flooded and all parties with ownership of the sinkhole agree in writing to allow the rise. In this case, an easement is required around the sinkhole to include an area that is a minimum of five (5) feet horizontally outside the 100-year water surface elevation.
- (d) Stormwater retention is required for site developments that meet the requirements for stormwater attenuation and are located in one of the following critical watersheds:
 - (1) Ten Mile Creek;
 - (2) Harrell Hills watershed (near Cranberry Dr., Clairmont Dr., and Gaines Rd.);
 - (3) Prosser Road area;
 - (4) Pamela Ln.;
 - (5) All areas draining to a sinkhole;
 - (6) Any area of known flooding where deemed necessary by the Director.

The retention basin shall be designed so that the overflow in the 1-year, 2-year, 5-year, 10-year, 25-year, and 100-year frequency storms must meet the predeveloped discharges in addition to retaining the difference in the predeveloped and postdeveloped 100-year frequency storm. In basins or sub-basins where there is a documented historical draw down time for the sinkhole or region being drained to, it may be acceptable for a detention basin to be used instead of retention. For detention to be approvable, the draw down time of the detention basin must be a minimum of six (6) days.

- (e) When existing or documented flooding problems are present, the Director has authority to condition the approval of a permit upon the compliance with additional requirements, including but not limited to detention, conveyance facilities, or other stormwater management solutions required to reduce the adverse impact of the proposed development on the public right-of-way, other properties, or on the subject development.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-33. Hydrologic and hydraulic computations.

- (a) All hydrologic and hydraulic computations utilized in the design of stormwater detention facilities must be prepared by a registered professional engineer licensed to practice in the State of Tennessee.
- (b) The required hydrologic and hydraulic computations shall be in accordance with NRCS (formerly known as the SCS) unit hydrograph procedures using AMC II curve numbers and type II rainfall distribution or other criteria that the Director shall establish based on scientific and engineering information. All postdeveloped conditions must be routed at appropriately small time intervals through the stormwater basin using computer models that are widely accepted among engineering professionals. The *BMP Manual* contains accepted methods and procedures. Other methods may be approved by the Director in the design of curb inlets and small pipe systems when the final result is verified by a SCS method.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-16-05, § 1, 1-18-05; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-34. Covenant requirements for stormwater facilities.

- (a) Property owners and lessees are responsible for maintaining stormwater facilities located on their property.
- (b) Prior to the issuance of a site development permit, the property owner shall execute a legal document entitled "Covenants for Permanent Maintenance of Stormwater Facilities," or the lessee shall execute a legal document entitled "Covenants for Maintenance of Stormwater Facilities on Leased Property" ("the Covenants"). The property owner or the lessee, as the case may be, shall record the Covenants in the office of the Knox County Register of Deeds. The location of the facility, the recorded location of the Covenants document, and a note stating the property owner's or lessee's responsibility shall be shown on a plat, or in the case of a lessee, as an exhibit attached to the lessee's Covenants, that is also recorded in the office of the Knox County Register of Deeds.
- (c) The Covenants shall specify minimum maintenance requirements to be performed at necessary intervals by the property owner or lessee, as the case may be.
- (d) The Covenants shall grant the City permission to enter the property to inspect any stormwater facility for proper functioning and maintenance.
- (e) In limited situations, extenuating circumstances may exist that prevent the timely execution of the covenants by the proper party. After evaluating these circumstances, the department of engineering may approve a site development or building permit based on the acceptance of a promissory letter from the owner, prospective buyer, or developer stating their commitment to execute the covenants within a 45-day grace period. A fee will be required prior to the acceptance of the promissory letter. One 15-day extension may be granted for an additional fee. The fees authorized herein shall be the same as the fees for a promissory letter and an extension request in the plat requirement. The terms for the promissory letter and extension shall be at the director's discretion. The department of engineering is in no way obligated to accept promissory letters or extensions. On the expiration of the promissory letter or extension, the department of engineering may issue a stop work order to suspend all work on the property until the covenants document is recorded.
- (f) Sediment removal and disposal shall be performed in accordance with all local, state, and federal laws. Guidelines for sediment removal and disposal are given in the City's *LDM*. The Director may stipulate additional guidelines if deemed necessary for public safety.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-16-05, § 1, 1-18-05; Ord. No. O-281-2017, § 12-05-17; Ord. No. O-83-2019 § 1, 6-04-19)

Section 22.5-35. Acceptance of streets and stormwater systems within public rights-of-way.

- (a) No street or stormwater system shall be dedicated to the City for public use or maintained by the City as a public street until said street and stormwater facilities have been accepted through completion of the development certification process.
- (b) The Director shall only approve streets designed by a registered professional engineer licensed to practice in the state of Tennessee. Streets shall be designed according to publications by the American Association of State Highway and Transportation Officials (AASHTO). The design speed for local streets in residential subdivisions shall be twenty-five (25) miles per hour, unless the Director deems a different design speed appropriate. Additionally, stormwater systems and streets, including pedestrian facilities, must conform to the City standard specifications and the City construction standards.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-36. First flush requirements for stormwater basins.

- (a) The requirements of this section shall not apply to those developments built or approved before June 20, 1997.
- (b) All stormwater basins that are required under section 22.5-23. shall be built to manage first flush water quality. The standard management method shall be to collect the first flush or the first four thousand five hundred (4,500) cubic feet, whichever is greater, of stormwater runoff in a vegetated basin and release that runoff over a minimum twenty-four-hour and a maximum of a seventy-two-hour period. The Director may approve other methods of managing first flush water quality including:
 - (1) Proprietary BMPs may be considered based on full-scale testing, maintenance protocols, etc.
 - (2) Other designed BMPs based on their merit.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-37. Requirements for special pollution abatement permits.

- (a) Specific land uses, hot spots, are known to produce pollutants that are detrimental to water quality and would not be corrected by the standard first flush requirement. A special pollution abatement permit (SPAP) is required to ensure that structural and management best management practices are used to control water quality for these hot spots. Before the approval of structural stormwater treatment devices, the Director may require valid documentation from full-scale testing by an independent third party to verify that the pollutants of concern will be properly controlled. A SPAP will be valid for a period of five (5) years, and must be renewed before expiration. At the time of renewal, any deficiency in the pollution control methods must be corrected. Any development that occurs without a required permit shall be a violation of this chapter of the code.
- (b) A SPAP shall be required for the following land hot spots:
 - (1) Vehicle, truck, or equipment maintenance, fueling, washing, or storage areas, e.g. automotive dealerships, automotive repair shops, and car wash facilities;
 - (2) Any development containing more than four hundred (400) surface parking spaces or one hundred twenty thousand (120,000) square feet or more of surface parking area;
 - (3) Recycling and salvage yard facilities;
 - (4) Restaurants, grocery stores, and other food service facilities;
 - (5) Commercial facilities with outside animal housing areas, e.g. animal shelters, fish hatcheries, kennels, livestock stables, veterinary clinics, and zoos; and
 - (6) Other producers of pollutants identified by the Director.
- (c) A SPAP may be required for a specific site due to operational failure, spills, or illicit discharges.
- (d) Technical requirements for the SPAP shall be based on the current *BMP Manual* subject to the approval of the Department of Engineering.

(Ord. No. O-139-04, § 1, 8-17-04; O-281-2017, § 12-05-17)

Section 22.5-38. Additional permits required.

Additional permits may be required from various state and federal agencies before a site development permit will be issued by the City.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-39. National Pollutant Discharge Elimination System permits.

- (a) Any person who holds an individual National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the Director no later than sixty (60) calendar days after issuance or renewal of the permit. The permit holder shall also provide copies of all discharge monitoring reports required by the permit for any discharge to the stormwater system upon request.
- (b) Any person who holds an NPDES general permit or multi-sector permit (as distinct and different from an individual permit) shall provide either a copy of such permit or the permit number assigned to them by TDEC to the Director no later than sixty (60) calendar days after issuance of the permit.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-40 Riparian buffer zone.

Riparian buffer zones (RBZ) exist within and adjacent to regulated waters (waters). The City regulates the RBZ to comply with federal mandates, protect stream water quality, and to reduce flood insurance rates.

- (a) The RBZ is measured horizontally from the top of bank, extending perpendicular from each bank for the length of the water body. The top of bank is the uppermost limit of the active channel, typically indicated by a change in bank slope from steep to gentle slope. If the top of bank cannot be determined from the change of slope or if there is a dispute in the determination, the top of bank can be determined by submitting approved engineering calculations that determine the width of the stream resulting from the 2-year frequency storm. The width of the RBZ will vary, depending on all of the following criteria:
 - (1) If a floodway profile, as part of the flood insurance study, has been adopted for the waters, the RBZ width must be equal to or greater than the width of the floodway at all points.
 - (2) Waters with a drainage area of less than one (1) square mile will require a minimum RBZ width of thirty (30) feet.
 - (3) Waters with a drainage area of one (1) square mile or more will require a minimum RBZ width of sixty (60) feet. The sixty-foot width of the RBZ can be established on an average width basis for a project, as long as the minimum width of the RBZ is at least thirty (30) feet at any measured location. If RBZ averaging is used, a plat must be recorded showing the limits of the RBZ.
 - (4) Waters that are contained within a culvert do not require an RBZ. This exception does not apply to proposed roadway or proposed driveway crossing waters.
 - (5) RBZ widths apply where culverts are removed from waters.
 - (6) The Director may approve alternate RBZ widths for special circumstances (e.g., existing land uses or existing physical conditions) that conflict with the requirements in sections 22.5-40.a.1. through 5.
 - (7) Mitigation must be shown on a recorded plat.
- (b) Use of RBZs.
 - (1) Acceptable uses of the RBZ may include: yards, picnic areas, walking trails, greenways, landscaped areas, wildlife habitat, primitive areas, roadway and sidewalk stream crossings, or other similar uses approved by the Director.
 - (2) Specifically prohibited uses include, but are not limited to, parking lots, dumpster storage, material storage, grease-bin storage, vehicle storage or maintenance, animal lots or kennels, or other uses known to contribute pollutants to waterways.

- (c) Protection of RBZs.
 - (1) It is prohibited to disturb an RBZ except when restoring the stream or stream banks, creating or restoring the RBZ, removing/eradicating invasive vegetation, replanting with native vegetation, or when constructing a permitted allowable disturbance.
 - (2) All slopes adjacent to waters shall be left in a stabilized condition. No actively eroding, bare, or unstable banks shall remain unless TDEC has determined there is no better alternative (i.e. detrimental to endangered species). Placement of riprap and other hard armor is only allowed when bioengineering alternatives are not technologically feasible.
- (d) Allowable disturbances of RBZs.
 - (1) The Director may allow new driveways, road crossings, or foundations and columns across or through an RBZ on a case-by-case basis. It must be demonstrated that the encroachment is necessary and that the RBZ will not be impacted excessively. In these cases, the driveway, road crossing, or foundation and columns shall be constructed with careful attention to protecting trees and vegetation and minimizing site grading.
 - (2) Approved mitigation is required for removal, encroachment, or disturbances to the RBZ.
 - (3) Utility crossings.
 - a. Utilities within the RBZ are not exempt from RBZ requirements or mitigation.
 - b. All utilities within the RBZ must be subsurface or overhead.
 - c. Planting plans must be consistent with guidelines in the *LDM*.
 - (4) Installing a new or replacing an existing culvert, pipe, or bridge across waters.
 - a. Maintain a natural stream bottom to the maximum extent practicable.
 - b. Culverts, pipes, and bridges must span the baseflow channel.
 - c. Minimize the length of culverts, pipes, and bridges.
 - d. All crossings must be as close to perpendicular to the flow path as possible.
- (e) RBZ enhancement, including RBZ creation, may be required if an RBZ does not exist, when an RBZ has excessive invasive vegetation, or if the RBZ contains significant areas of unhealthy, diseased, or dead vegetation. Information on RBZ enhancements can be found in the *LDM*.

(Ord. No. O-26-2013, § 8, 2-5-13; Ord. No. O-281-2017, § 12-05-17)

Sections 22.5-41-49. Reserved.

ARTICLE III. ILLICIT CONNECTIONS AND ILLEGAL DUMPING

Section 22.5-50. Findings of fact.

The City council finds that the uncontrolled discharge of pollutants to the stormwater system has an adverse impact upon the water quality of the receiving waters.

- (a) The 1987 amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) program, which requires permits for discharges from stormwater systems into waters of the United States. The Environmental Protection Agency (EPA) has promulgated regulations implementing the NPDES program.
- (b) The NPDES regulations for stormwater discharges require certain municipalities, including the City, to:
 - (1) Control through ordinance, permit, contract, order, or similar means the contribution of pollutants to municipal stormwater systems by stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industrial activity;
 - (2) Prohibit through ordinance, order, or similar means illicit discharges to the stormwater system;
 - (3) Control through ordinance, order, or similar means discharges to the stormwater system of spills, dumping or disposal of materials other than stormwater;
 - (4) Require compliance with conditions in ordinances, permits, contracts, or orders; and

- (5) Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition of illicit discharges to the stormwater system.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-51. Objectives.

This chapter is adopted as part of the City's stormwater management program in order to prevent certain non-stormwater discharges to and improper disposal of substances in the stormwater system, as to reduce, to the maximum extent practicable, pollutants that may be present in discharges from the stormwater system.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-52. Prohibitions.

(a) No person shall:

- (1) 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 chapter.
- (2) 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 include, 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 service facilities;
 - c. Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility including motor vehicles, concrete-related equipment, and portable toilet servicing;
 - d. Discharges of wash water from mobile operations such as mobile automobile washing, steam cleaning, power washing, 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, outdoor eating or drinking areas;
 - f. Discharges from material storage areas of runoff containing chemicals, fuels, grease, oil, or other hazardous materials;
 - g. Discharges of pool or fountain water containing chlorine, biocide, salt, or other chemicals or discharges of pool or fountain filter backwash water;
 - h. Discharges of sediment or construction-related wastes;
 - i. Discharges of food-related wastes, e.g., grease, fish processing, restaurant kitchen mat and trash bin wash water; and
 - j. Discharge of liquid or solid waste from dumpsters, trash bins, oil or grease holding tanks, or other refuse and recycling enclosures.
- (3) Connect, or allow to be connected, any interior floor drain to the stormwater system, including drains in parking garages (except for the upper garage level exposed to open air), basements, etc.

(b) Subject to the provisions of section 22.5-52.c., the following discharges shall not be in violation of this chapter:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows;
- (4) Rising groundwater;
- (5) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm drains;

- (6) Uncontaminated pumped ground water;
 - (7) Discharges from potable water sources;
 - (8) Air conditioning condensation;
 - (9) Irrigation waters;
 - (10) Springs;
 - (11) Uncontaminated water from crawl space pumps;
 - (12) Footing drains;
 - (13) Lawn watering;
 - (14) Individual residential car washing;
 - (15) Flows from riparian habitats and wetlands;
 - (16) Dechlorinated or desalinated swimming pool discharges;
 - (17) Incidental street wash water from street cleaning equipment designed for cleaning paved surfaces and limiting waste discharges;
 - (18) Discharges or flows from firefighting activities;
 - (19) Street deicing for public safety; or
 - (20) Any activity authorized by a valid NPDES permit.
- (c) If the Director finds that any activity, including but not limited to any of the activities listed in section 22.5-52.b., are found to cause or may cause sewage, industrial wastes, or other wastes to be discharged into the stormwater system, the Director shall notify the person performing such activities and shall order that such activities be stopped or conducted in such a manner as to avoid the discharge of sewage, industrial wastes, or other wastes into the stormwater system. The Director may require a stormwater pollution prevention plan to ensure that the activity can be conducted without causing further discharge of pollution to the stormwater system.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-16-05, § 1, 1-18-05; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-53. Notification of spills and illicit discharges.

As soon as any person has knowledge of any spills or illicit discharges to the stormwater system in violation of this chapter, such person shall immediately notify the Director of this discharge. If such person is directly or indirectly responsible for such discharge or responsible for the operation of the system or business, then such person shall also take immediate action to ensure the containment and cleanup of such spill or illicit discharge and shall confirm such notification with a written report to the Director within three (3) calendar days. At a minimum, the written report shall include:

- (a) Date and time of the discharge;
- (b) Location of the discharge;
- (c) Material or substance discharged;
- (d) Duration and rate of flow;
- (e) Total volume discharged;
- (f) Total volume recovered;
- (g) Cause or reason for the discharge;
- (h) Remediation and containment action taken;
- (i) Material Safety Data Sheets (MSDS) or Safety Data Sheets (SDS) for the discharged material;
- (j) Action taken to prevent further discharges; and
- (k) Description of any environmental impact.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Section 22.5-54. Requirements for monitoring.

The Director may require any person engaging in any activity or owning any property, building, or facility, including but not limited to a site of industrial activity, to undertake such reasonable monitoring of any discharge(s) to the stormwater system operated by the City and to furnish periodic detailed reports of such discharges.

(Ord. No. O-139-04, § 1, 8-17-04; Ord. No. O-281-2017, § 12-05-17)

Sections 22.5-55-60. Reserved.

**ARTICLE IV PROPERTY OWNER MAINTENANCE REQUIREMENTS FOR
THE STORMWATER SYSTEM.**

Section 22.5-61. Title of article.

This article may be known as the Stormwater System Maintenance Ordinance (SSMO).
(Ord. No. O-281-2017, § 12-05-17)

Section 22.5-62. Declaration of a nuisance.

- (a) To cause or allow a reduction in flow, capacity, storage, or other critical function of any component of the stormwater system due to damage, deterioration, blockage, etc., when the reduction causes or may cause a flooding hazard in the public right-of-way or require right-of-way closure for public safety, is hereby declared to be a nuisance.
- (b) To cause or allow a reduction of the designed flow attenuation, storage capacity, performance, or inlet/outlet control of any detention, retention, infiltration, treatment, or other stormwater facility is hereby declared to be a nuisance.

(Ord. No. O-281-2017, § 12-05-17)

Section 22.5-63. Prohibition.

Property owners and lessees are responsible for maintaining stormwater facilities located on their property. It shall be unlawful for any property owner to cause or allow a nuisance for any component of the stormwater system located on private property.

(Ord. No. O-281-2017, § 12-05-17)

Section 22.5-64. Notice to correct conditions.

- (a) Upon the failure of any property owner to maintain the stormwater system to prevent the nuisance as described in this article, the Director may serve notice to the property owner ordering the person to remediate the nuisance.
- (b) Notice may be served by any of the following methods and is effective as noted:
 - (1) Personally delivered to the owner, lessee, occupant, or person having control of such property. Notice occurs on the date such delivery is made;
 - (2) Mailed to the last known address of such owner, lessee, occupant, or person having control of such property by first class, United States mail. Notice occurs three (3) days after the notice is deposited in the mail, properly addressed, and with sufficient postage to carry it to its destination; or
 - (3) Posting the notice on the property on which such conditions described in section 22.5-62. exist. Notice occurs on the date the notice is posted.
- (c) Service of notice by any of the methods set out in section 22.5-64.b. shall be due notice within the meaning of this article, provided, however, that no owner out of possession shall be liable to the penalty imposed by section 22.5-8. of this chapter unless there shall be personal service of such notice upon such owner or such notice mailed to such owner by first class, United States mail, as provided in this section.
- (d) The notice required under this section shall state that the property owner is entitled to a hearing. The notice shall be written in plain language and shall also include, at a minimum, the following elements:
 - (1) A brief statement of this article, which shall contain the consequences of failing to remedy the noted condition;
 - (2) The person, office, address, and telephone number of the department or person giving notice;

- (3) A description of the violation, including the minimum measures required to remedy the violation, and the deadline(s) to complete; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. Failure to make the request within the time specified in this article shall, without exception, constitute a waiver of the right to a hearing.

(Ord. No. O-281-2017, § 12-05-17)

Section 22.5-65. Appeals.

- (a) Appeals for violations of Article IV are not heard by the Board of Environmental Appeals and are covered under the process outlined under this section.
- (b) Any property owner having control of the property aggrieved by the determination and order under this article may appeal administratively to the Department of Engineering within thirty (30) days from the date of service of the notice. Such appeal shall be taken by filing with the Department of Engineering a notice of appeal stating in brief and concise form the grounds therefore. The Department of Engineering shall hear and determine such appeal as promptly as practicable, but within thirty (30) calendar days of the filing of the appeal, except upon written application for an extension of time by the appellant, who shall recite reasons satisfactory to the Department of Engineering before such extension may be granted. The Department of Engineering shall have the power to affirm, reverse, or modify the order of the inspector. The Department of Engineering's decision, together with the reasons therefore, shall be in writing and maintained as a public record. Any property owner, having control of property who fails, refuses, or neglects to comply with the order of the inspector, as modified by the Department of Engineering, shall be in violation of the provisions of this article. Appeals of the decision of the Department of Engineering shall be provided by law in cases of *certiorari*.

(Ord. No. O-281-2017, § 12-05-17)

Section 22.5-66. Failure to correct conditions; abatement by city; cost recovery.

- (a) If the property owner fails to remedy such conditions within the prescribed time, unless an appeal is made, the Department of Engineering may take such action as is necessary to remedy the conditions and abate the nuisance. If City resources, employees or equipment are used to abate the nuisance, the City shall determine the reasonable cost of the required inspections, recorded examinations, notifications, complaint response, and movement of employees and equipment to and from the site in establishing a base charge, to which additional charges for equipment and employee operating time shall be added to establish the total cost to be billed to the owner. Upon failure of the owner to remit to the City the amount of such charge within sixty (60) days from the date of such notice, a ten (10) percent penalty shall be added, and the total amount of the bill and the penalty shall be certified by the City and shall constitute a lien upon the property for which the expenditure is made.
- (b) The Director of Finance shall:
 - (1) Certify the cost to the City Tax Collector, who shall place the cost upon the tax rolls as a lien upon the affected property, which cost shall then be collected in the same manner as the City's taxes are collected; and
 - (2) Note the lien in favor of the City and against the affected property by filing a lien against the property in the office of the Register of Deeds for the County in the same manner as other liens are required to be filed.
- (c) The lien granted by this section may be enforced at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.
- (d) No collection of costs may proceed against the owner of an owner-occupied residential property, including the filing of the liens referenced in section 22.5-66.b., until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00).

(e) In addition to the foregoing provisions, any person violating any of the provisions of this article shall be liable for a civil penalty not to exceed fifty dollars (\$50.00) and the repayment of administrative costs incident to the correction of the municipal violation up to four hundred dollars (\$400.00). Each day any violation of this Code or of any ordinance shall constitute a separate offense for which the person in violation shall be liable.

(f) The lien granted by this section shall be extinguished upon the payment to the City of all amounts owing hereunder, upon a finding that the lien was placed in error, or by operation of law.

(Ord. No. O-281-2017, § 12-05-17)

Section 22.5-67. Special conditions.

For any nuisance that may impede emergency response or causes an immediate threat to the health and safety of the general public, the Director may shorten the owner abatement period set forth in this article which may include immediate action by the City or their designated representative, with the owner being charged for the abatement per section 22.5-66.

(Ord. No. O-281-2017, § 12-05-17)

Sections 22.5-68-70. Reserved.