

ORDINANCE NO. 240

BE IT ORDAINED AND ENACTED by the Town of Mount Carmel Tennessee as follows:

AN ORDINANCE TO REDUCE POLLUTION BY ESTABLISHING STORMWATER, GRADING, VEGETATION, EROSION AND SEDIMENTATION CONTROL MEASURES

WHEREAS, uncontrolled stormwater drainage and discharge have a significant, adverse impact on the health, safety, and general welfare of the residents of the Town of Mount Carmel, and an adverse impact on the natural environment by carrying pollutants in to the receiving waters within the community; and

WHEREAS, the Town of Mount Carmel is required by federal law, particularly 33 U.S. c. 1342(p) and 40 CFR 122.26 to obtain a Natural Pollutant Discharge Elimination System (NPDES) permit through the Tennessee Department of Environment and Conservation (TDEC) to reduce stormwater flows and associated pollutants discharged into waterways through Mount Carmel's stormwater system and drainage ways; and

WHEREAS, the NPDES permit requires the Town to impose controls on future and existing development necessary to reduce the discharge of pollutants in stormwater to the maximum reasonable extent using management practices, control techniques and system design and engineering methods, and such other provisions which are determined to be appropriate for the control of such pollutants, then

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Mount Carmel that the Mount Carmel Municipal Code be hereby amended in its entirety and the Title 240, Chapter 1 be added as follows:

CHAPTER 1

STORMWATER MANAGEMENT, EROSION AND SEDIMENTATION CONTROL

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240-101. Short Title. This Chapter shall be known as the "Stormwater Management, Erosion and Sedimentation Control Ordinance of the Town of Mount Carmel, Tennessee."

240-102. Purpose. The purpose of this ordinance is to conserve the land, water and other natural resources of the Town of Mount Carmel and Hawkins County; and promote the public health and welfare of the people by establishing requirements for the control of stormwater, erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced; and to diminish threats to public safety from degrading water quality caused by the run-off of excessive stormwater and associated pollutants, to reduce flooding and the hydraulic overloading of the town's stormwater system; and to reduce the economic loss to individuals and the community at large.

240-103. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) **Best Management Practices (BMP's):** A schedule of activities, prohibitions of practices, design, construction and maintenance procedures, and other management practices to prevent the pollution of stormwater runoff.
- (2) **Development:** Any activity on one acre or more or on three lots or more that involves making changes to the land contour by grading, filling, excavating removal, or destruction of topsoil, trees, or vegetative covering.
- (3) **Denuded Area:** Areas disturbed by grading, filling, or other such activity in which all vegetation has been removed and soil is exposed directly to the elements allowing for the possibility of erosion and stormwater and sediment run-off.
- (4) **Developer:** Any person, owner, individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.
- (5) **Drainage:** A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied to surface water.
- (6) **Drainage and Sedimentation Control Plan:** For the purpose of this Chapter, a Drainage and Sedimentation Control Plan refers to a formal written document addressing grading, vegetation, drainage, and stormwater flows, erosion and sedimentation controls, as specified in Sections 240-105 through 240-108, that is reviewed by the Public Works Director and/or Building Inspector with the technical assistance of the Hawkins County Soil Conservationist and Extension Agents, reviewed by the Mount Carmel Planning Commission, and if approved by the Planning Commission, is used as the basis for the Building Inspector to issue a grading permit that allows land disturbing activity to proceed.

- (7) **Drainage Ways and Local Waters:** Any and all streams, creeks, branches, ponds, reservoirs, springs, wetlands, sinkholes, wells, drainage ways and wet weather ditches, or other bodies of surface or subsurface water, natural or artificial including Mount Carmel's stormwater system, lying within or forming a part of the boundaries of the Town of Mount Carmel, or the area under the regulatory responsibility of the Mount Carmel Planning Commission.
- (8) **Erosion:** The general process whereby soils are moved by flowing surface or subsurface water.
- (9) **Grading Permit:** The permit that must be issued by the Building Inspector, or in his/her absence, the town's designee, before any land disturbing activity is undertaken by a developer, or when grading, filling, or excavating is proposed on a project.
- (10) **Land Disturbing Activity:** Means any activity which may result in soil erosion from water or wind and the movement of sediments into drainage ways, or local water, including, but not limited to, clearing, grading, excavating, transportation and filling of land, except that the term shall not include:
 - (a) such minor land disturbing activities as home and gardens and individual home landscaping, repairs and maintenance work.
 - (b) construction, installation or maintenance of individual service connections, or septic lines and drainage fields. Utility line construction of 1.65 miles for a five (5) foot wide disturbed area will require a permit. If the Town of Mount Carmel is the permittee, the permit will be obtained from the Tennessee Department of Environment and Conservation.
 - (c) preparation for single family residences separately built, unless in conjunction with multiple [three (3) or more] adjacent construction sites in subdivision developments.
 - (d) Emergency work to protect life, limb or property.

240-104 Regulated land disturbing activities.

- (1) Except as provided in subsection 240-104(2) and 104 (3), it shall be unlawful for any person to engage in any land disturbing activity on any commercial development, or any development, construction, or renovation activity involving at least one acre or three (3) adjacent lots or more without submitting and obtaining approval of a Drainage and Sedimentation Plan as detailed in Sections 240-106 through 240-109 of this Chapter, and being issued a Grading Permit by the Building Inspector.
- (2) Any person who owns, occupies and operates private agriculture or forest lands shall not be deemed to be in violation of this ordinance of land disturbing activities which result from the normal functioning of these lands, however, the Building Inspector has the authority to require "best practices" erosion and sedimentation control measures if pollution and run-off problems are evident.
- (3) Any State or Federal agency not under the regulatory authority of the Town of Mount Carmel for storm water management, erosion and sedimentation control.

240-105 Permit required for any land disturbing activity. Any land disturbing activity, as defined, shall require a Grading Permit, in addition to any Building Permit that must be issued by the Building Inspector prior to the commencement of any work. Grading Permits for land disturbing activities will be issued by the Building Inspector only upon the Developer meeting requirements outlined in Sections 240-

104 through 240-112 of this Chapter which includes obtaining approval of a Drainage and Sedimentation Control Plan by the Mount Carmel Planning Commission.

240-106. Grading, vegetation, drainage, and erosion and sedimentation control plans required. A grading, vegetation, drainage, and erosion and sedimentation control plan, (for convenience – defined in Section 240-103 as a Drainage and Sedimentation Control Plan), shall be required for all developments, subdivisions, or construction activities involving one (1) or more acres, or three subdivisions, or construction activities involving one (1) or more acres, or three subdivisions, or construction activities involving one (1) or more acres, or three (3) adjacent lots or more, except as exempted in Sections 240-104(2) and 240-104(3) of this Chapter. A Drainage and Sedimentation Control Plan or BMP shall be required for all commercial construction or renovation, or any multi family residential facility involving three (3) or more units. If necessary to protect the health and safety of the people, the Building Inspector and/or Planning Commission may, at its discretion, require a Drainage and Sedimentation Control Plan for any development or renovation under one (1) acre, or subdivision with less than three (3) adjacent lots, or multi-family residential development under three (3) units.

240-107. Plan requirements. The Drainage and Sediment Control Plan shall be prepared and designed and certified by an engineer and/or surveyor licensed in the State of Tennessee. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and the potential for off-site damage. The plan shall include at least the following:

- (1) Project Description – Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- (2) Contour intervals of five (5) or less showing present conditions and proposed contours resulting from land disturbing activity.
- (3) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- (4) Existing land cover.
- (5) Approximate limits of proposed clearing, grading and filling.
- (6) Amount of approximate flows of existing stormwater leaving any portion of the site and where stormwater leaves the site. The appropriate calculations for making this determination shall be shown in the drainage plan.
- (7) Description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (8) Location, size and layout of proposed stormwater and sedimentation control improvements.
- (9) Proposed drainage network.
- (10) Proposed drain tile or waterway sizes.
- (11) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The hydraulic calculations necessary to ensure adequately sized stormwater management structures and BMPs used must also be included.

- (12) The projected sequence of work represented by the grading, drainage and erosion and sedimentation control plans as related to other major items of construction.
- (13) Specific remediation measures to prevent erosion and sedimentation run-off, and to meet approved standards as outlined in Section 240-108 of this Chapter. Plans shall include detailed drawings for all control measures used; stabilization measures including vegetation and non-vegetative measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
- (14) Specific details for the construction of the entrance to the site for controlling erosion and road access points and for eliminating or keeping mud, sediment, and debris on Mount Carmel streets and public ways at a level acceptable to the Building Inspector. Mud, sediment, and debris brought onto streets and public ways must be removed by the end of the day by machine, broom or shovel to the satisfaction of the Building Inspector and/or Mount Carmel Law Enforcement Officer. Failure to remove said sediment, mud or debris shall be deemed a violation of this ordinance.
- (15) Proposed structures: location (to the extent possible) and identification of any proposed additional building, structures or development on the site.

240-108. Plan must contain measures to meet approved standards. The Drainage and Sedimentation Control Plan shall contain measures that will ensure development, construction or site work will meet or exceed the following standards:

- (1) The development fits within the topography and soil conditions in a manner that allows stormwater and erosion and sedimentation control measures to be implemented in a manner satisfactory to the Mount Carmel Planning Commission. Development shall be accomplished so as to minimize adverse effects upon the natural or existing topography and soil conditions and to minimize the potential for erosion.
- (2) Plans for development and construction shall minimize cut and fill operations. Construction and development plans calling for excessive cutting and filling may be refused a permit by the Mount Carmel Planning Commission if it is determined that the land use permitted by the applicable zoning district could be supported with less alteration of the natural terrain.
- (3) During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills. Fills shall not encroach upon natural water courses, their flood plains; or constructed channels in a manner so as to adversely affect other properties.
- (4) Pre-construction vegetation ground cover shall not be removed, destroyed, or disturbed more than twenty (20) days prior to grading or earth moving. No work shall occur until perimeter sedimentation and erosion control devices are in place to the building inspector's satisfaction.
- (5) Developers shall be responsible upon completion of land disturbing activities to leave slopes and developed or graded areas so that they will not erode. Such methods include, but are not limited to, re-vegetation, mulching, rip-rapping or gunniting, and retaining walls. Bank cuts and grades should not exceed a 2 to 1 slope without use of a retaining wall and must be properly covered with mulch and vegetation. Regardless of the method used, the objective is to leave the site as erosion and maintenance-free as is practical.
- (6) Provisions are to be implemented that accommodate any increase in stormwater run-off generated by the development in a manner in which the existing levels of run-off are not

increased during and following development and construction. Hydraulic calculations necessary to make accurate determinations will be based at a minimum on a two (2) year storm event. The Planning Commission may require designs based on larger storm events on a case-by-case basis. A combination of storage and controlled release of stormwater run-off shall be required for all development and construction.

- (7) Discharges from sedimentation basins or traps must be through piping, liners, rip-rap or properly grassed channels so that the discharge does not cause erosion.
- (8) All grading, vegetation, drainage, stormwater, erosion and sedimentation control mitigation measures shall conform to any or all Best Management Practices approved and revised periodically by the Mount Carmel Board of Mayor and Aldermen.
- (9) Sedimentation basins (debris basins, desalting basins, or silt traps) and other drainage and sedimentation control measures shall be installed in conjunction with initial work and must be in place and functional prior to the initial grading operations. These measures must be maintained throughout the development process. Sediment basins and/or silt traps may be temporary, but shall not be removed without the approval of Building Inspector.
- (10) Damage to vegetation on stream banks or waterways (those not regulated in other chapters of this code) shall be minimized within five feet of each bank, except as necessary for the installation of utilities, development of roads, or construction of retention ponds and related drainage improvements.
- (11) Land shall be developed to the extent possible in increments of workable size that can be completed in a single construction season. Erosion and sedimentation control measures shall be coordinated with the sequence of grading development and construction operations. Control measures such as berms, interceptor ditches, terraces, and sediment and silt traps shall be put into effect prior to any other stage of development.
- (12) The permanent vegetation shall be installed on the construction site as soon as utilities are in place and final grades are achieved. However, without prior approval of an alternate plan by the Mount Carmel Planning Commission, permanent or temporary soil stabilization must be applied to disturbed areas within seven (7) days from substantial completion of grading and where disturbed areas will remain unfinished for more than thirty (30) calendar days.
- (13) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In lieu thereof, these structures shall have planted trees and vegetation such as shrubs and permanent ground cover on their borders. Plant varieties shall be those sustainable in a drainage way environment or as may be outlined in Best Management Practices. Woody material, such as trees, shall be kept from encroaching on the dam. Utilities shall not be constructed through the stormwater control device and must be accessible without disturbing the device.
- (14) In many situations, retention facilities and drainage structures need to be fenced in order to protect public safety. The Mount Carmel Planning Commission may require fencing for any basin or structure. When the Planning Commission requires fencing, the following specifications apply. Alternate fencing plans may be considered when requested by the developer, residents, or if the Planning Commission feels some other form of fencing is more appropriate for the site.
 - (a) A minimum height of six (6) feet.
 - (b) Line Post must be 1 7/8" diameter, 16 guage.

- (c) Fence must be chained link of a minimum of 9 guage, or approved alternative.
 - (d) A lockable access gate of a minimum width of 12 feet must be provided to allow access by equipment and machinery as needed for maintenance.
- (13) Drainage and Sedimentation Control Plans must meet minimum requirements established in *Tennessee Code Annotated* as follows:
- (1) Name of applicant
 - (2) Business or residence address of applicant.
 - (3) Name and address of owners of property involved in activity.
 - (4) Address and legal description of property, and names of adjoining property owners.
 - (5) Name(s) and address(es) of contractor(s), if different from applicant, and any subcontractor(s) who shall undertake the land disturbing activity and who shall implement the Drainage and Sedimentation Control Plan.
 - (6) A brief description of the nature, extent, and purpose of the land disturbing activity.
 - (7) Proposed schedule for starting and completing project.

240-109. Plan development at Developer's expense. Unless specifically approved by the Board of Mayor and Aldermen, all Drainage and Sedimentation Control Plans shall be developed and presented at the expense of the owner/developer.

240-110. Plan submitted to Building Inspector. Six (6) copies of the Drainage and Sedimentation Control Plan shall be submitted directly to the Building Inspector at least fifteen (15) days prior to consideration. Any insufficiencies, violations noted or comments will be directed back to the Applicant/Developer. The Plan will then be revised as required prior to being presented to the Mount Carmel Planning Commission.

240-111. Final plan reviewed within sixty (60) days. The Mount Carmel Planning Commission shall review Drainage and Sedimentation Control Plans as quickly as possible while still allowing for a thorough evaluation of the problems and mitigation measures identified and addressed. However, under no circumstances shall the Planning Commission take more than sixty (60) days to approve or disapprove the final plan submittal.

240-112. Grading permit and bond. Following approval of the Drainage and Sedimentation Control Plan by the Planning Commission, a grading permit shall be obtained from the Building Inspector. No grading permit shall be issued until a Contractor Performance Bond is posted in the amount determined to be reasonable by the Planning Commission. The bond may not be higher than an amount equal to the estimated cost of the improvements, and said bond shall only be released by the Building Inspector following completion of construction and acceptance of the grading, vegetation, drainage, and erosion and sedimentation control measures. The bond shall be made out to the Town of Mount Carmel and if issued in conjunction with a subdivision plan, shall include the cost of paving, landscaping, and utilities including street lights. If it appears that the Drainage and Sedimentation Plan activities approved by the Mount Carmel Planning Commission will not be implemented within a twelve (12) month period, the Mount Carmel Planning Commission, at its discretion after the Notice of Non Compliance has been properly issued as outlined in Section 240-116 of this Chapter and the Developer has failed to comply, may cash said Contractor's Performance Bond to complete all of the improvements approved or any portion of the

Drainage and Sedimentation Control Plan activities it deems necessary to protect the health and safety of residents and to protect the quality of local waters. Upon the posting of the bond, the Developer must sign and have notarized and approved a certification granting permission for any Drainage and Sedimentation Control Plan activities, and any landscaping, paving and utility improvements also approved, to be made on the property in case of default.

240-113. Building Inspector and/or town designee may require additional protective measures. The Building Inspector and/or the town's designee have the authority at their discretion to require ground cover or other remediation measures preventing stormwater, erosion and sediment run-off, if either determines after construction begins that the plan and/or implementation schedule approved by the Planning Commission does not adequately provide the protection intended in the ordinance and in the approval issued by the Commission. Additional protective measures required by the Building Inspector and/or the town designee that fall under the authority of the Planning Commission are subject to appeal under the procedures outlined in Section 240-128 of this Chapter.

240-114. Retention/Detention facilities and drainage structures maintained. All on-site retention basins and drainage structures shall be properly maintained by the owner/developer during all phases of construction and development so that they do not become a nuisance. Nuisance conditions shall include improper storage resulting in uncontrolled run-off and overflow; stagnant water with concomitant algae growth, insect breeding, and odors; discarded debris; and safety hazards created by the facilities operation. The Mount Carmel Planning Commission has the responsibility to see that the retention basin is properly maintained and operational. The Developer shall provide the necessary permanent easements to provide town personnel access to the retention facilities and drainage structures for periodic inspection. A right-of-way to conduct such inspections shall be expressly reserved in the permit.

240-115. Improperly maintained retention/detention facilities and drainage structures a violation. The Building Inspector and/or town designee shall periodically monitor and inspect the care, maintenance and operation of retention facilities and drainage structures during and after construction and development. Facilities found to be a nuisance, as defined in the Mount Carmel Municipal Code are in violation of the ordinance and are subject to fines of \$50.00 per day with each additional day considered a separate violation.

240-116. Town may take ownership of retention facilities and drainage structures. The Mount Carmel Board of Mayor and Aldermen shall have the authority to accept or take ownership of retention facilities and drainage structures on behalf of the town provided that the Board and Commission feel the public interest is best served by the town providing on-going responsibility for maintenance and upkeep. In such cases, approval of the transfer of ownership shall only occur after the Planning Commission and the BMA have received an inspection report from the Building Inspector, with the possible technical assistance of the Hawkins County Extension agent and/or Soil Conservationist, that certifies said devices have been properly constructed and landscaped, are operating effectively, and appropriate safety and protective measures have been implemented or constructed. Transfer of ownership to the town shall occur at or near the completion of the subdivision or development and the developer must provide fee simple title to the property on which the retention/detention basin or drainage structure is located and/or any necessary easements allowing the Town of Mount Carmel access to the facilities for routine maintenance and care.

240-117. Technical Assistance. Through a Memorandum of Understanding with the Town of Mount Carmel, the Hawkins County Soil Conservation District staff and the Hawkins County Extension agent are available for consultation and advice concerning stormwater management and erosion and sedimentation problems to all persons planning to develop land within the town or under the subdivision jurisdiction of the Mount Carmel Planning Commission. Tennessee Department of Environment and Conservation (TDEC) staff may also be consulted. The Planning Commission and Building Inspector will use these consultants as needed to review Drainage and Sedimentation Control Plans prior to approval and provide assistance to the Building Inspector with inspections.

240-118. Building Inspector and/or designee responsible for providing safeguards in projects less than one acre or utilizing less than three (3) lots. Projects undertaken within the city limits of Mount Carmel that are

not subject to review and approval of the Mount Carmel Planning Commission shall fall under the responsibility of the Mount Carmel Building Inspector and/or the town designee to see that the measures required in this Chapter to protect the health and safety of the people and to protect the quality of surface waters are carried out as needed. The Building Inspector shall require reasonable drainage, erosion and sedimentation control measures as part of the grading permit process outlined in Section 240-105. Under no conditions shall the Building Inspector or town designee allow silt or sedimentation to enter drainage ways or adjoining properties, or allow stormwater flows to adversely impact adjoining properties. Denuded areas, cuts and slopes shall be properly covered within the same schedule as directed in Section 240-107(14) of this Chapter.

240-119. Grading permit also required for any project on less than one acres involving grading, filling, or excavation. A grading permit is also required for any development or construction activity, except as exempted in Section 240-104 and those activities exempted from the definition of Land Disturbing Activity, on property one acre or less. However, said development and construction activities do not require a formal Drainage and Sedimentation Control Plan unless specifically requested by the planning commission. The Building Inspector shall require that all grading, vegetation, drainage, stormwater, erosion and sedimentation control measures necessary shall be implemented, shall conform to any and all Best Management Practices, and shall meet the objectives established in this ordinance. Developers must also present to the Building Inspector a description of the measures that will be taken to address the meet requirements established in Sections 240-104 (14 and 15) of this chapter – avoiding mud, sediment, rock and debris on public ways and streets. These measures must be addressed prior to the Building Inspector issuing a Grading Permit. Measures preventing excess run-off and erosion must be in place prior to the commencement of grading and/or excavation.

240-120. Existing developed properties with drainage, erosion and sediment concerns. Properties of any size within the city limits of the Town of Mount Carmel that have been developed or in which land disturbing activities have previously been undertaken, are subject to the following requirements:

- (1) Denuded areas still existing must be covered as specified in Best Management Practices with appropriate vegetation and/or mulch.
- (2) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- (3) Drainage ways shall be properly covered in vegetation or secured with stones, etc. to prevent erosion.
- (4) Junk, rubbish, etc. shall be cleared of drainage ways to help minimize possible contamination of stormwater run-off.
- (5) Stormwater run-off in commercial areas, office or medical facilities, and multi family residences of three (3) or more units shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures shall include, but not be limited to, the following:
 - (a) Oil skimmer/grit collector structure. These structures are designed to skim off floatables out of parking lots and other impervious surfaces, and allow solids of debris and sediment to settle before being discharged in a local waterway.
 - (b) Retention basins.
 - (c) Planting and/or sowing of vegetation.
 - (d) Rip-rapping, mulching, and other similar erosion control measures associated with local drainage ways.

240-121. Improvements required in existing development normally at owner's expense. Drainage and sediment control measures required in existing developed properties shall normally be undertaken at the property or business owner's expense. The Board of Mayor and Aldermen, however, at its discretion in circumstances in which Board members feel the town's participation is essential to protecting the health and safety of residents and the water quality of Mount Carmel's drainage ways, may approve cost sharing needed drainage and sedimentation control measures.

240-122. Town may take responsibility for existing retention facilities and drainage structures. The Mount Carmel Board of Mayor and Aldermen may, on behalf of the town, take responsibility for existing retention facilities and drainage structures if the Mount Carmel Planning Commission so determines that the general public is better served when said facilities are under the long term maintenance responsibility of the town. Facilities considered shall be accepted as outlined in Section 240-117 of this Chapter. The Mount Carmel Planning Commission may also recommend to the Board of Mayor and Aldermen that the Town participate in making certain improvements to existing facilities in addition to accepting responsibility for their long term maintenance and care if the commission feels said improvements are in the best interest of the general public.

240-123. Improvements needed at existing locations determined by the Building Inspector and/or town designee. Recommendations may come from the Building Inspector, Soil Conservation Service, the Agricultural Extension office or other qualified personnel. Recommendations shall be:

- (1) Provided in writing to the property/business owner.
- (2) Detailed as to specific actions required and why these actions are necessary.
- (30) Made with a reasonable period of time for implementation.

240-124. Improvements required with existing developments subject to appeal. Improvements required by the Building Inspector and/or town designee as outlined in Section 240-114 of this Chapter are subject to appeal by the property/business owners to the Mount Carmel Planning Commission as specified in Section 240-129.

240-125. Monitoring, reports, and inspections. The Building Inspector and/or town designee, with the possible assistance of the Soil Conservationist and/or the County Extension agent, shall make periodic inspections of the land disturbing activities, the stormwater management system installations, and other activities requiring a grading permit to ensure compliance with the approved plan and Mount Carmel's Best Management Practices. Inspections will evaluate whether the measures required in the Drainage and Sedimentation Control Plan and/or grading permit and undertaken by the Developer are effective in controlling erosion. The right of entry to conduct such inspections shall be expressly reserved in the permit. If the Building Inspector and/or town designee determines that the permit holder has failed to comply with plan approval, the following procedures shall apply:

- (1) A Notice from the Building Inspector and/or town designee shall be served on the permit holder either by registered or certified mail, delivered by hand to the permit holder or an agent or employee of the permitted supervising the activities, or by posting the notice at the work site in a visible location, that the permit holder is in Non-Compliance.
- (2) The Notice of Non-Compliance shall specify the measures needed to comply and shall specify the time within which such corrective measures shall be completed. The Building Inspector and/or town designee shall require a reasonable period of time for the permittee to implement measures bringing the project into compliance; however, if it is determined by the Building Inspector and/or town designee that health and safety factors or the damage resulting from non-compliance is extremely severe, immediate action may be required.

- (3) If the permit holder fails to comply within the time specified, the permit may be subject to revocation. In addition, the permittee shall be deemed to be in violation of this ordinance and thus shall be subject to the penalties provided in this ordinance.
- (4) In conjunction with the issuance of a Notice of Non-Compliance or subsequent to the permittee not completing the corrective measures directed in the time period required, the Building Inspector or town designee may issue an order requiring all or part of the land disturbing activities on the site be stopped. The Stop Work Order may be issued with or as part of the Notice of Non-Compliance, or may be delivered separately in the same manner as directed in Section 240-125(1).

240-126. Certificate of Occupancy not issued until compliance with Plan verified. The Building Inspector will not issue a Certificate of Occupancy necessary to occupy any commercial or residential establishment until all aspects of the Drainage and Sedimentation Control Plan have been completed, control devices constructed have been approved and accepted, and, if within a subdivision or commercial development, all paving, landscaping, and utilities, including street lighting if decorative lights are used, are approved and accepted.

240-127. Plan construction acceptance and Bond release. Drainage and Sedimentation Control Plan activities must be inspected and accepted by the Building Inspector and/or the town designee. If within a commercial or subdivision development, streets, sidewalks, curbs and alleys, landscaping, street lighting, water, sewer, and any installation of power, telephone, cable, and gas utilities must be approved and accepted by the appropriate official. All monitoring and regulatory authorities shall complete an Approval and Acceptance Form before the Building Inspector releases the associated performance bond. The Building Inspector and/or town designee will sign a release on the Approval and Acceptance Form as soon as all of the project criteria have been satisfied and approved.

240-128. Appeal of Administrative Action. Actions taken by the Building Inspector and/or town designee as authorized in Sections 240-114, 240-119, 240-126, 240-127 and 240-128 are subject to review by the Mount Carmel Planning Commission provided an appeal is filed in writing with the Chairman of the Planning Commission within (30) days from the date any written or verbal decision has been made which the Developer feels adversely affects his/her rights, duties or privileges to engage in the land disturbing activity and/or associated development proposed. Drainage and sediment mitigation actions required by the Building Inspector and/or town designee with existing properties or developments are also subject to appeal to the Mount Carmel Planning Commission provided that appeals are made in writing, within thirty (30) days of receiving formal notification to the Commission chairman citing the specific reasons(s) the activity or activities required present a hardship and cannot be implemented.

240-129. Town clean-up resulting from violations at Developer/Owner's expense. Town staff is authorized to take remedial actions to prevent, clean-up, repair or otherwise correct situations in which water, sediment, rock, vegetation, etc. ends up on public streets and/or right-of-ways resulting from violations of this ordinance; where necessary drainage, erosion and sedimentation control measures have not been properly implemented. In such cases, the cost of labor, equipment, and materials used will be charged to the Developer/Owner in addition to a service charge of \$100.00 per hour. The Town will invoice the Developer/Owner directly, and payment shall be received within fourteen (14) days. Failure to pay for remedial actions taken by the town under this Section may result in the Town Attorney filing a lien against the property involved in the action.

240-130. Penalties Enforcement. Any Developer or person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this Chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized Enforcement Officer or the Mount Carmel Planning Commission, shall be guilty of a misdemeanor, and each day of such violation or failure to comply shall be deemed a separate offense and punishable accordingly. Upon conviction, the Developer or person shall be subject to fines of up to \$50.00 for each offense, with each following day constituting a new offense. Unless otherwise specified within a section of this Chapter, the Building Inspector is the designated

Enforcement Officer of this ordinance. The Building Inspector/town designee or any Mount Carmel Police Officer may issue citations for violations.

240-131. Legal Status Provisions.

- (1) Conflict with Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.
- (2) Severability. If any provision of this Ordinance is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any remaining provisions which are not of themselves invalid or unconstitutional.
- (3) Effective Date. This ordinance shall become effective February 1, 2003, the public welfare requiring it.

Approved by the Planning Commission: 8-13-02
Date

Passed on First Reading: 8-27-02
Date

Passed on Second Reading: 9-24-02
Date

Signed: Dan Lamon
Mayor

Attest: Nancy Carter
Recorder

Approved as to Form: Allen Corp
City Attorney

FIRST READING	AYES	NAYS	OTHER
Alderman Henry Bailey	✓		
Vice-Mayor Eugene Christian	✓		
Alderman Paul Hale	✓		
Mayor Gary Lawson	✓		
Alderman George Pierce	✓		
Alderman Thomas Wheeler	✓		
Alderman Wanda Worley	absent		
TOTALS	6	0	0

PASSED FIRST READING 8-27-02

SECOND READING	AYES	NAYS	OTHER
Alderman Henry Bailey	✓		
Vice-Mayor Eugene Christian	✓		
Alderman Paul Hale	✓		
Mayor Gary Lawson	✓		
Alderman George Pierce	✓		
Alderman Thomas Wheeler	✓		
Alderman Wanda Worley	✓		
TOTALS	7	0	0

PASSED SECOND READING 9-24-02

PUBLISHED ON: DATE: <u>9-26-02</u> NEWSPAPER: <u>Kingsport Times</u>
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TOWN OF MOUNT CARMEL
DRAINAGE AND SEDIMENTATION CONTROL PLAN
CHECKLIST

Project description – Briefly describe the nature and purpose of the land disturbing activity, and the amount of grading involved.

Vicinity map – A small map locating the site in relation to the surrounding area, and indicating North.

Existing site conditions – A description of the existing topography, vegetation, and drainage.

Adjacent areas – A description of neighboring areas such as streams lakes, residential areas, roads, etc., which might be affected by the land disturbing activity including names of adjacent property owners.

Soils – A brief description of the soils on the site giving such information as soil names, mapping unit, erodability, permeability, depth, texture, and soil structure, and soil type boundaries.

Critical areas – A description of areas on the site which have potentially serious erosion problems, and a brief description of the nature of the problems.

Existing contours – The existing contours of the site should be shown on a map with five foot internals.

Existing Vegetation – The existing tree lines, grassy areas, or unique vegetation should be shown on a map.

Existing drainage patterns – The dividing lines and the direction of flow for the different drainage areas should be shown on a map, and include approximate flows from site.

Calculations – Any calculations made for the design of such items as sediment basins, diversions, waterways, and calculations for runoff and stormwater detention basin design (if applicable).

Stormwater management considerations – Will the development of the site result in increased peak rates of runoff? Will this result in flooding or channel degradation downstream? If so, considerations should be given to stormwater control structures on the site. Design details must be shown and must correspond to criteria in Best Management Practices.

Location of practices – the locations of the erosion and sediment control and stormwater management practices used on the site should be shown on a map.

Limits of clearing and grading - Areas which are to be cleared and graded should be outlined on a map.

Final contours – Changes to the existing contours should be shown on a map.

Permanent stabilization – A brief description, including specifications, of how the site will be stabilized after construction is completed.

Projected sequence of work.

Detailed drawings – Any structural practices used should be explained and illustrated with detail drawings.

Maintenance – A schedule of regular inspections and repair of erosion and sediment control structures should be set forth.

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN September 27, 2002

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 9-26-02, and appearing 1 consecutive week(s) times, as per order of _____

Town of Mt. Carmel

Signed Karen C. Mulvey

ORDINANCES passed by the Town of Mount Carmel and date passed:
ORDINANCE 240. Establish storm water, grading vegetation, erosion & sedimentation control measures - passed September 24, 2002.
ORDINANCE 248. Designating official depositaries for Town Funds - Passed September 24, 2002.
ORDINANCE 249. Amending Title 11, "Municipal Offenses", Chapter 1, "Misdemeanors of State Adopted," Section 11-101 - Passed September 24, 2002.
ORDINANCE 250. Establishing various fees, fines, charges and/or costs - passed September 24, 2002.
ORDINANCE 251. Regulates the flood plain areas of the town - passed September 24, 2002.
ORDINANCE 252. Amend Zoning Ordinance, Street Frontage - passed September 24, 2002.
ORDINANCE 253. Ensure proper curb cuts - passed September 24, 2002.
Please call (423)357-7311, if you have any questions. Thank you.
Pub IT: 09/26/2002.

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 27th day of September, 2002, Karen C. Mulvey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

Debra F. Salyer
NOTARY PUBLIC

My commission expires February 2, 2003

Enforcement Officer of this ordinance. The Building Inspector/town designee or any Mount Carmel Police Officer may issue citations for violations.

240-131. Legal Status Provisions.

- (1) Conflict with Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.
- (2) Severability. If any provision of this Ordinance is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any remaining provisions which are not of themselves invalid or unconstitutional.
- (3) Effective Date. This ordinance shall become effective upon passage and publication, the public welfare requiring it. - ⁸⁻¹⁻⁰³ *date effective changed - 8-27-02 - to 2-1-03 - per BMA*

Approved by the Planning Commission: 8-13-02
Date

Passed on First Reading: 8-27-02
Date

Passed on Second Reading: 9-24-02
Date

Signed: Nancy Lamm
Mayor

Attest: Nancy Carter
Recorder

Approved as to Form: Allen Coup
City Attorney

TOWN OF MOUNT CARMEL
DRAINAGE AND SEDIMENTATION CONTROL PLAN
CHECKLIST

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