

## **ORDINANCE NO. 2024-11**

### **AN ORDINANCE TO REDUCE POLLUTION BY ESTABLISHING PERMANENT WATER QUALITY STORMWATER MANAGEMENT**

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 Jonesborough and an adverse impact on the natural environment by carrying pollutants into the receiving waters within the community; and

WHEREAS, The Town of Jonesborough is required by federal law, particularly 33 U.S.C. 1342(p) and 40 CFR 122.26, to obtain a National 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 The Town of Jonesborough's stormwater system and drainage ways; and

WHEREAS, the NPDES permit requires The Town of Jonesborough to impose controls on future and existing development necessary to reduce the discharge of pollutants in stormwater to the maximum reasonable extent using best 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; now therefore

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Town of Jonesborough that Title 11, Chapter 18 of the Town of Jonesborough Municipal Code be hereby established as follows:

#### **Chapter 18**

### **PERMANENT WATER QUALITY STORMWATER MANAGEMENT**

#### **Table of Contents**

11-1801	Short title
11-1802	Purpose
11-1803	Definitions
11-1804	General Requirements
11-1805	Design Criteria
11-1806	Exemptions
11-1807	Performance Bonds
11-1808	Record Drawings and Design Certification
11-1809	Inspections and Maintenance
11-1810	Appeal of Administrative Action
11-1811	Variances

- 11-1812 Penalties
- 11-1813 Severability
- 11-1814 Effective Date

11-1801 Short title. This Section shall be known as the "Permanent Water Quality Stormwater Management Ordinance of the Town of Jonesborough, Tennessee".

11-1802 Purpose. The purpose of this Ordinance is to conserve the land, water and other natural resources of the Town of Jonesborough; promote the public health and welfare of the people by establishing requirements for the control of stormwater, by establishing procedures whereby these requirements shall be administered and enforced; diminish threats to public safety from degrading water quality caused by stormwater conveying excessive pollutants into our public drainage systems; and reduce the economic loss to individuals and the community at large.

11-1803 Definitions. For the purpose of this Ordinance, the following definitions shall apply:

Best Management Practices (BMP or BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures, Water Quality Management Facilities, structural controls and other management practices designed to prevent or reduce the pollution of waters of the United States. Water quality BMPs may include structural or non-structural practices.

Channel - A natural or man-made watercourse with a defined bottom and banks to confine and convey continuously or periodically flowing stormwater.

Construction - Any placement, assembly, or installation of facilities or equipment at the premises where such equipment will be used, including preparation work at such premises.

Covenants for Maintenance of Stormwater Facilities and Best Management Practices - A legal document executed by the property owner, or a homeowners' association as owner of record, and recorded with the Register of Deeds in the Washington County, Tennessee Courthouse which guarantees maintenance of Water Quality Management Facilities and Best Management Practices.

Developer - Any person, owner, individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or any other legal entity, or their legal representative, agents, or assigns.

Development - Any land change that alters the hydrologic or hydraulic conditions of any property, often referred to as "site development". Development includes, but is not limited to, providing access to a site, clearing of vegetation, grading, earth moving, providing utilities, roads and other services such as parking facilities, Water Quality Management Facilities and erosion control systems, potable water and wastewater systems, altering land forms, or construction or demolition of a structure on the land.

Development Plan – Detailed engineering or architectural drawing(s) showing existing site conditions and proposed improvements with sufficient detail for Town review, approval, and then subsequent construction. The contents of a development plan are further defined by the Town Zoning Ordinance, Subdivision Regulations, and other Town departmental standards for constructing developments and public works projects.

Exceptional Waters of the State: Surface waters of the State of Tennessee that satisfy the characteristics as listed in Rule 1200-4-3-.06 of the official compilation - rules and regulations of the State of Tennessee. Characteristics include waters with exceptional biological diversity or other waters with outstanding ecological or recreational value as determined by the State of Tennessee.

Existing Stormwater Facility – Any existing structural feature that conveys, slows, filters, or infiltrates runoff after a rainfall event.

Hotspot - An area where the land use or activities generate highly contaminated runoff with concentrations of pollutants in excess of those typically found in stormwater. These sites could include concrete and asphalt facilities, auto repair, auto supply, car washed, and large commercial parking lots.

Impaired Waters of the State: Any segment of surface waters that has been identified by the State of Tennessee as failing to support classified uses. The State of Tennessee periodically compiles a list of such waters known as the 303(d) List.

Impervious Surface— A surface comprised of material(s) that prohibits or severely restricts the infiltration of stormwater into the underlying soil such as, but not limited to, asphalt, buildings, concrete, and brick. Compacted stone/gravel such as found in parking and drive areas is considered impervious.

Lake - An inland body of standing water, usually of considerable size.

NPDES - National Pollutant Discharge Elimination System. NPDES is the program administered by the United States Environmental Protection Agency to eliminate or reduce pollutant discharges to the waters of the United States.

Owner or Property Owner - The legal owner of the property as recorded in the Register of Deeds office in the Town of Jonesborough, Tennessee.

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

Pond - An inland body of standing water that is usually smaller than a lake.

Redevelopment - The improvement of a lot(s) or parcel of land that is improved with existing structures. If the existing impervious areas including but not limited to buildings and parking remain as is, then this Ordinance only applies to the newly constructed structures and disturbed areas. If the existing impervious areas are removed and the soil underneath disturbed and then replaced with new impervious areas or newly graded areas, then this Ordinance applies to the entire disturbed area. Areas or uses designated as "hotspots" that are redeveloped must provide water quality improvements for not only the new impervious and graded areas but also the existing impervious areas that remain.

Sediment - Solid material, either mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by erosion.

Stormwater – Also "Stormwater Runoff" or "Runoff". Surface water resulting from rain, snow, or other form of precipitation, which is not absorbed into the soil and results in surface water flow.

Stormwater control measure (SCM) - Stormwater control measure or SCM means permanent practices and measures designed to reduce the discharge of pollutants from new development projects or redevelopment projects.

Stream - For the specific purpose of vegetated buffers, a stream is defined as a linear surface water conveyance that can be characterized with either perennial or ephemeral base flow and is regulated by the Town as a Special Flood Hazard Area (SFHA) or has been identified by the United States Army Corps of Engineers or the Tennessee Department of Environment and Conservation as a stream.

Structure – For the purpose of this Ordinance, anything constructed or erected such that the use of it requires a more or less permanent location on or in the ground. Such construction includes, but is not limited to, objects such as buildings, houses, towers, overhead transmission lines, carports, garages, walls, parking areas, driveways, roads, and sidewalks.

TMDL - Total Maximum Daily Load. A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the source(s) of the pollutant.

Town - The Town of Jonesborough, Tennessee.

Town Administrator - The Town Administrator of the Town of Jonesborough, Tennessee, or designee.

Transporting - Any moving of earth materials from one place to another, other than such movement incidental to grading, as authorized on an approved plan.

Vegetated Buffer - A use-restricted vegetated area that is located along the perimeter of streams, ponds, lakes, or wetlands, containing natural vegetation and/or enhanced or restored vegetation.

Water Quality BMP Manual - A document which contains policies, design standards and criteria, technical specifications and guidelines, maintenance guidelines, and other supporting documentation to be used as the policies and technical guidance for implementation of the provisions of this Ordinance. The manual to be used shall be the Tennessee Permanent Stormwater Management and Design Guidance Manual or the Northeast Tennessee Water Quality BMP Manual, latest edition. However, with approval by the Town of Jonesborough, another manual that has been approved by the State of Tennessee may be used.

Water Quality Management Facilities - Structural and non-structural features designed to prevent or reduce the discharge of pollution in stormwater runoff from a development or redevelopment.

Water Quality Management Plan - An engineering plan for the design of Water Quality Management Facilities and Best Management Practices within a proposed development or redevelopment. The Water Quality Management Plan includes a plan showing the extent of the land development activity, water quality management facilities, BMPs, vegetated buffers, design calculations for water quality management facilities and BMPs, and may contain record drawings/certifications and Covenants for Maintenance of Stormwater Facilities and Best Management Practices along with easements for the water quality management facilities, BMPs, and vegetated buffers.

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

Wetland - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland determination shall be made by the United States Army Corps of Engineers, and/or the Tennessee Department of Environment and Conservation.

11-1804 General Requirements

- ( 1 ) Owners of land development activities not exempted under Section 11-1806 must submit a Water Quality Management Plan. The Water Quality Management Plan shall be submitted as part of the Site Development Plans as required by the Town Zoning Ordinance, Subdivision Regulations, and other standards for development plans.
- ( 2 ) The Water Quality BMP Manual to be used shall be the Tennessee Permanent Stormwater Management and Design Guidance Manual or the Northeast Tennessee Water Quality BMP Manual, latest edition. However, with approval by the Town of Jonesborough, another manual that has been approved by the State of Tennessee may be used.
- ( 3 ) The Water Quality Management Plan shall include the specific required elements that are listed and/or described in the Water Quality BMP Manual. The Town Administrator may require submittal of additional information in the Water Quality Management Plan as necessary to allow an adequate review of the existing or proposed site conditions.
- ( 4 ) The Water Quality Management Plan shall be subject to any additional requirements set forth in the minimum subdivision regulations, Zoning Ordinance, or other Town Ordinances and regulations including the Peak Stormwater Management and Erosion and Sediment Control Ordinance.
- ( 5 ) Water Quality Management Plans shall be prepared and stamped by a design professional qualified to prepare stormwater and site plans in accordance with State of Tennessee law.
- ( 6 ) Other State and/or Federal permits that may be necessary for construction in and around streams and/or wetlands shall be approved prior to approval of a Water Quality Management Plan by the Town.
- ( 7 ) The approved Water Quality Management Plan shall be adhered to during grading and construction activities. Under no circumstance is the owner or operator of land development activities allowed to deviate from the approved Water Quality Management Plan without prior approval of a plan amendment by the Town Administrator.

- ( 8) The approved Water Quality Management Plan shall be amended if the proposed site conditions change after plan approval is obtained, or if it is determined by the Town Administrator during the course of grading or construction that the approved plan is inadequate.
- ( 9) The Water Quality Management Plan shall include a listing of any known legally protected state or federally listed threatened or endangered species and/or critical habitat located in the area of land disturbing activities and a description of the measures that will be used to protect them during and after grading and construction.
- (10) Water quality management facilities, BMPs, and vegetated buffers shown in Water Quality Management Plans shall be maintained through Covenants for Maintenance of Stormwater Facilities and Best Management Practices or other legal means as determined by the Town Administrator. The other means must be legally enforceable to ensure ownership, maintenance responsibility, and inspection requirements are provided for in perpetuity. The Covenants, or other legal means, must be approved by and shall be enforceable by the Town. The Covenants shall be recorded with the Register of Deeds at the Washington County Courthouse and shall run with the land and continue in perpetuity.
- (11) Water quality management facilities, BMPs, and vegetated buffers shown in Water Quality Management Plans shall be placed into a permanent Stormwater Facilities and Best Management Practices Easement held by the Town that is recorded with the Register of Deeds at the Washington County Courthouse.
- (12) A maintenance right-of-way or easement, having a minimum width of twenty (20) feet shall be provided to all water quality management facilities, BMPs, and vegetated from a driveway, public road or private road.
- (13) Owners of land development activities not exempted from submitting a Water Quality Management Plan may be subject to additional watershed or site-specific requirements than those stated in this Ordinance in order to satisfy other local, State, and Federal water quality requirements. Areas subject to additional requirements may also include developments, redevelopments, or land uses that are considered pollutant hotspots or areas where the Town Administrator has determined that additional restrictions are needed to limit adverse impacts of the proposed development on water quality or channel protection.

- (14) The Town Administrator may waive or modify any of the requirements of Section 11-1805 of this Ordinance if adequate water quality treatment are suitably provided by a downstream or shared off-site Water Quality Management Facility, or if engineering studies determine that installing the required Water Quality Management Facilities or BMPs would actually cause adverse impact to water quality or cause increased channel erosion or downstream flooding.
- (15) This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or existing Ordinances and regulations. If provisions of this Ordinance and another regulation conflict, that provision which is more restrictive or imposes higher standards or requirements shall control.

11-1805 Design Criteria

- ( 1) All owners of developments or redevelopments who must submit a Water Quality Management Plan shall meet the following requirements:

The water quality treatment design storm is a 1-year, 24-hour storm event as defined by Precipitation-Frequency Atlas of the United States. Atlas 14. Volume 2. Version 3.0. U.S. Department of Commerce. National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Springs, Maryland or its digital product equivalent.

The water quality treatment volume (WQTV) is a portion of the runoff generated from impervious surfaces at a new development or redevelopment project by the design storm, as set forth below. SCMs must be designed, at a minimum, to achieve an overall treatment efficiency of at least 80% TSS removal from the WQTV.



The quantity of the WQTV depends on the type of treatment provided, as established in the following table:

SCM Treatment Type	WQTV	Notes
infiltration, evaporation, transpiration, and/or reuse	runoff generated from the first 1 inch of the design storm	Examples include, but are not limited to, bioretention, stormwater wetlands, and infiltration systems.
biologically active filtration, with an underdrain	runoff generated from the first 1.25 inches of the design storm	To achieve biologically active filtration, SCMs must provide minimum of 12 inches of internal water storage.
sand or gravel filtration, settling ponds, extended detention ponds, and wet ponds	runoff generated from the first 2.5 inches of the design storm or the first 75% of the design storm, whichever is less	Examples include, but are not limited to, sand filters, permeable pavers, and underground gravel detention systems. Ponds must provide forebays comprising a minimum of 10% of the total design volume. Existing regional detention ponds are not subject to the forebay requirement.
hydrodynamic separation, baffle box settling, other flow-through manufactured treatment devices (MTDs), and treatment trains using MTDs	maximum runoff generated from the entire design storm	Flow-through MTDs must provide an overall treatment efficiency of at least 80% TSS reduction.

The WQTV for a redevelopment project may be reduced by 20% for a redevelopment project. Redevelopment projects include sites with existing impervious surfaces and/or buildings where the overall amount of existing impervious area is maintained or reduced and for brownfield redevelopment.

Permanent SCMs must be installed, implemented, and maintained to meet the performance standards above and provide full treatment capacity within 72 hours following the end of the preceding rain event.

- ( 2) All owners of developments or redevelopments who require a grading permit, plan approval, or subdivision approval shall establish, protect, and maintain a permanent Vegetated Buffer along all streams, ponds,

rivers, lakes, wetlands, or other Waters of the State in accordance with table below:

	Average buffer width (feet)	Minimum buffer width (feet)	Notes
Waters with available parameters for siltation or habitat alteration or unassessed waters	30	15	The criteria for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than the required minimum width at any measured location. If the new development or redevelopment site encompasses both sides of a stream, buffer averaging can be applied to both sides, but must be applied independently.
Exceptional Tennessee Waters or waters with unavailable parameters for siltation or habitat alteration	60	30	

The predominant vegetation within the minimum buffer width area should be trees. The remaining riparian buffers may be composed of herbaceous cover or infiltration-based SCMs.

Water quality riparian buffer widths are measured from the top of bank also referred to as the "ordinary high-water mark."

Exemptions from this requirement are as follows:

- (a) Vegetated Buffers are not required around the perimeter of ponds that have no known connection to streams, other ponds, lakes, rivers, or wetlands.
- (b) Vegetated Buffers are not required around Water Quality Management Facilities, BMPs, or detention ponds that are designed, constructed and maintained for the purposes of water quality and/or quantity control, unless expressly required by the design standards and criteria for the facility that are provided in the Water Quality BMP Manual.
- (c) The installation of utilities, development of roads crossing the waterway, trails and walkways, or construction of outfalls for stormwater facilities and related drainage improvements, and the removal of invasive species to enhance the existing buffer are allowed within the buffer. These utility, road, trail/walkway, and stormwater outfall disturbances shall be designed to minimize disturbance and impact on the Waters of the State and their buffers. Any disturbance to streams, wetlands, or other Waters of the State require an Aquatic Resource Alteration Permit through the State of Tennessee.

- ( 3) In addition to the above requirements, all owners of developments or redevelopments who must submit a Water Quality Management Plan shall:
  - (a) Provide erosion prevention and sediment control in accordance with the Ordinances and Regulations of the Town;
  - (d) Control stormwater drainage onsite and provide peak stormwater management in accordance with the Ordinances and Regulations of the Town; and
  - (e) Adhere to all local floodplain development requirements in accordance with Ordinances and Regulations of the Town.

11-1806 Exemptions

- ( 1) Owners of developments and redevelopments who conform to the criteria in Subsection 11-1806(3) are exempt from the requirements of this Ordinance, unless the Town Administrator has determined that treatment of Stormwater Runoff for water quality is needed to order to satisfy local or State NPDES, TMDL or other regulatory water quality requirements, or the proposed development will be a pollutant Hotspot, or to limit adverse water quality or channel protection impacts of the proposed development.
- ( 2) The exemptions listed in Subsection 11-1806(3) shall not be construed as exempting the owners of developments and redevelopments from compliance with stormwater requirements stated in the minimum Subdivision Regulations, Zoning Ordinance, or other Town Ordinances and regulations including peak stormwater management and erosion prevention and sediment control.
- ( 3) The following developments and redevelopments are exempt from the requirements for a Water Quality Management Plan:
  - (a) Developments or redevelopments that disturb less than one (1) acre of land. No exemption is granted if the development or redevelopment is part of a larger common plan of development or sale that would potentially disturb one (1) acre or more and the Stormwater Runoff from the development or redevelopment is not treated for water quality via a downstream or regional Water Quality Management Facility or BMP that meets the requirements of this Ordinance;
  - (b) Minor land disturbing activities such as residential or non-residential repairs, landscaping, or maintenance work;

- (c) Public utility service connections, unless such activity is carried-out in conjunction with the clearing, grading, excavating, transporting, or filling of a lot or lots for which a Water Quality Management Plan would otherwise be required;
- (d) Installation, maintenance, or repair of individual septic tank lines or drainage fields, unless such activity is carried out in conjunction with the clearing, grading, excavating, transporting, or filling of a lot or lots for which a Water Quality Management Plan would otherwise be required;
- (e) Agricultural activities;
- (f) Emergency work to protect life, limb or property, and emergency repairs.

**11-1807 Performance Bonds**

- ( 1 ) A performance bond that guarantees satisfactory completion of construction work related to Water Quality Management Facilities and/or the establishment of Vegetated Buffers is required. Final plat approval or certificate of occupancy may be granted if items in 11-1808 (3) and (4) are completed or if a performance bond guarantees their completion.
- ( 2 ) The Performance Bond must be in a form satisfactory to and approved by the Town Attorney, and it must be properly executed and filed with the Town Administrator. A project cost summary must accompany the application so that it can be used to help determine the bond amount. The bond may not be higher than an amount equal to the estimated cost of the improvements plus an additional fifteen percent (15%), and said bond shall only be released by the Town Administrator following completion of construction work related to Water Quality Management Facilities and/or the establishment of Vegetated Buffers. The Planning Commission shall determine the amount of the bond and the date the bond will become due, but in no event will this period exceed one year. Any performance bond shall become due upon the Developer's failure to comply with the terms and requirements of any Notice of Non-Compliance properly issued pursuant to Subsection 11-1810(2)(f). Upon the posting of the bond, the Developer must sign and have notarized a grant of authority to The Town of Jonesborough to implement the construction work related to Water Quality Management Facilities, BMPs, ~~channel protection~~, and/or the establishment of Vegetated Buffers upon Developer's failure to comply with the Water Quality Management Plan or the Notice of Non-Compliance.

- ( 3) Prior to approval of a final subdivision plat, release of the performance bond, and/or the issuance of an occupancy permit, the property owner/developer shall provide the Town with an executed and recorded copy of the protective covenants and an executed and recorded copy of the easement plat showing the easements associated with the locations of the Best Management Practices, Water Quality Management Facilities, Vegetated Buffers and access easements to said facilities.
- ( 4) Prior to approval of a final subdivision plat, release of the performance bond, and/or the issuance of an occupancy permit, the property owner/developer shall provide the Town with an accurate record drawing of the property for all the Best Management Practices, Water Quality Management Facilities, and Vegetated Buffers.

**11-1808 Record Drawings and Design Certification**

- ( 1) Prior to approval of a final subdivision plat, release of the performance bond, and/or the issuance of an occupancy permit, the property owner/developer has to provide the Town with an accurate record drawing of the property for all the Best Management Practices, Water Quality Management Facilities, and Vegetated Buffers shown on the approved Water Quality Management Plan(s).
- ( 2) The boundaries of Water Quality Management Facilities, BMPs, and Vegetated Buffers shall be shown on the record drawings along with any other information in accordance with guidance provided in the Water Quality BMP Manual.
- ( 3) Record drawings shall include sufficient design information to show that Water Quality Management Facilities required by this Ordinance will operate as approved.
- ( 4) The easements associated with the Water Quality Management Facilities, BMPs, and Vegetated Buffers shall be shown on the record drawings along with any other information in accordance with guidance provided in the Water Quality BMP Manual.
- ( 5) The record drawings shall be stamped by the appropriate design professional required to stamp the Water Quality Management Plan and/or a registered land surveyor licensed to practice in the State of Tennessee.

**11-1809 Inspections and Maintenance**

- ( 1) Right of Entry
  - (a) During and after construction, the Town Administrator or designee may enter upon any property which has a Water Quality

Management Facility, BMP, and Vegetated Buffer during all reasonable hours to inspect for compliance with the provisions of this Ordinance, or to request or perform corrective actions.

- (a) Failure of a property owner to allow such entry onto a property for the purposes set forth in Subsection 11-1810(1)(a) shall be cause for the issuance of a violation, stop work order, withholding of a certificate of occupancy, and/or civil penalties.

( 2) Requirements

- (a) The owner(s) of Existing Stormwater Facilities, Water Quality Management Facilities, BMPs, and Vegetated Buffers shall inspect and maintain all devices and areas in accordance with the Covenants for Maintenance of Stormwater Facilities and Best Management Practices.
- (b) Inspection and maintenance of privately-owned Existing Stormwater Facilities, Water Quality Management Facilities, Best Management Practices, and Vegetated Buffers shall be performed at the sole cost and expense of the owner(s) of such facilities/areas. The Best Management Practices owner shall perform routine inspections on at least an annual basis. Inspections shall be performed by a person familiar with the control measures. The Best Management Practices owner shall maintain documentation of these inspections. A comprehensive inspection of all BMPs shall be conducted once every 5 years by a professional engineer or landscape architect, or other qualified professional familiar with applicable SCM design and maintenance requirements. Records stating the BMP, date, latitude/longitude, address, BMP owner information, description of BMP, photos of BMP and any corrective action needed and when performed shall be maintained by the BMP owner.
- (c) Inspections and maintenance shall be performed in accordance with specific requirements and guidance provided in the Covenants for Maintenance of Stormwater Facilities and Best Management Practices and the Water Quality BMP Manual. Inspection and maintenance activities shall be documented by the property owner (or his/her designee), and such documentation shall be maintained by the property owner for a minimum of three (3) years, and shall be made available for review by the Town Administrator upon request.
- (d) The Town Administrator has the authority to impose more stringent inspection requirements as necessary for purposes of water quality protection and public safety.

- (e) The removal of sediment and/or other debris from Existing Stormwater Facilities, Water Quality Management Facilities, and Best Management Practices shall be performed in accordance with all Town, State, and Federal laws and the Water Quality BMP Manual. The Town Administrator may stipulate additional guidelines if deemed necessary for public safety.
- (f) The Town Administrator may order corrective actions to Best Management Practices, Existing Stormwater Facilities, Water Quality Management Facilities, and/or Vegetated Buffer Areas as are necessary to properly maintain the facilities/areas within the Town for the purposes of water quality treatment, channel erosion protection, adherence to local performance standards, and/or public safety. When corrective action is required, the BMP owner must initiate the correction action within 30 days of notice. If the property owner(s) fails to perform corrective action(s), the Town Administrator shall have the authority to order the corrective action(s) to be performed by the Town or others. In such cases where a performance bond exists, the Town shall utilize the bond to perform the corrective actions. In such cases where a performance bond does not exist, 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, and may negate any intention by the Town to accept responsibility for any Best Management Practices, Existing Stormwater Facilities, Water Quality Management Facilities, and/or Vegetated Buffer Areas. The decision of the Town to take remedial actions to protect the health and safety of the public in no way supplants or negates the authority of the appropriate Town Staff to issue citations for violations of this Ordinance.
- ( 3) Any alteration, improvement, or disturbance to Water Quality Management Facilities, BMPs, or Vegetated Buffers shown in the Water Quality Management Plan, certified record drawings, and/or easement plats shall be prohibited without authorization from the Town Administrator. This does not include alterations that must be made in order to maintain the intended performance of the Water Quality Management Facilities, BMPs, or Vegetated Buffers.

**11-1810 Appeal of Administrative Action.**

Actions taken by the Town Administrator as authorized in this Ordinance are subject to appeal by the Board of Zoning Appeals provided an appeal is timely filed in writing at the office of the Town Administrator within thirty (30) days from the date any written or verbal decision has been made which the Developer

feels adversely affects the Developer's rights, duties or privileges to engage in the land disturbing activity and/or associated development proposed.

11-1811 Variances

- ( 1 ) Variances to the requirements of this Ordinance shall be handled by the Board of Zoning Appeals.
- ( 2 ) The Board of Zoning Appeals shall not approve variances that cause the Town to be in violation of any State or Federal NPDES permit, TMDL, or other applicable water quality regulation.

11-1812 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 Jonesborough Planning Commission, shall be guilty of a violation of this municipal ordinance, 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 \$5,000.00 per day for each day of violation (T.C.A. §68-221-1106). Unless otherwise specified within any section of this Chapter, the Building Inspector and the Public Works Director are the designated Enforcement Officers of this ordinance. Citations for violations may be issued by any Enforcement Officer, the Public Safety Director or any Jonesborough Police Officer.

11-1813 Severability - If any provision of this Ordinance is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other provision of this Ordinance.

11-1814 Effective Date - This Ordinance will go into effect immediately upon passage on second and final reading; however, development projects that have already received at least preliminary site plan approval from the Jonesborough Regional Planning Commission shall be exempt from the requirement to develop a Water Quality Management Plan under this Ordinance but may still have to provide a Water Quality Management Plan from a prior Ordinance.

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Motion was made by Alderman Wolfe and seconded by Alderman Countermine that the preceding ordinance be adopted on first reading. Those voting for the adoption thereof, were: Alderman Wolfe, Alderman Countermine, Alderman Dickson, Alderman Wolfe  
Those voting against: \_\_\_\_\_

PASSED ON FIRST READING September 9, 2024



\_\_\_\_\_  
CHUCK VEST, MAYOR

ATTEST:

\_\_\_\_\_  
JANET JENNINGS, RECORDER

APPROVED AS TO FORM

\_\_\_\_\_  
JAMES R. WHEELER, TOWN ATTORNEY

\_\_\_\_\_  
Motion was made by Alderman Causey and seconded by Alderman Countermine that  
the preceding ordinance be adopted on second and final reading. Those voting for the  
adoption thereof were: Alderman Causey, Alderman Countermine, Alderman Dickson,  
Alderman Wolfe

Those voting against: \_\_\_\_\_.

\_\_\_\_\_  
PASSED ON SECOND READING October 21, 2024



\_\_\_\_\_  
CHUCK VEST, MAYOR

ATTEST:

  
\_\_\_\_\_  
JANET JENNINGS, RECORDER

APPROVED AS TO FORM

  
\_\_\_\_\_  
JAMES R. WHEELER, TOWN ATTORNEY