

ORDINANCE NO. 13486

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SEWERS, MAINS AND DRAINS, ARTICLE VIII, STORMWATER MANAGEMENT, DIVISION 2, RELATIVE TO NEW DEVELOPMENT AND REDEVELOPMENT REQUIREMENTS AND AMENDING DIVISION 7 RELATIVE TO FEES.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chapter 31, Sewers, Mains and Drains, Article VIII, Stormwater Management, Division 2, New Development and Redevelopment, be amended by adding new subsections (iv) and (v) to subsection (D) of Section 31-314 and a new subsection (E) to Section 31-314, entitled “Single Family Residential Detention and Retention Pond Maintenance” as follows:

Sec. 31-314. Private Owner Responsibilities.

D.

- iv. By January 1, 2020 and before an Inspection and Maintenance Agreement (“Agreement”) is approved the property owner(s) must develop at least a two (2) year maintenance contract (in addition to any other maintenance required) (the “Maintenance Contract”) and be approved for all Stormwater Control Measures (SCMs) on site with an approved entity. The Maintenance Contract shall contain a detailed scope of inspection and maintenance to be performed by the property owner(s), practices to be maintained, planting plan, if any, timeline of maintenance for each SCM and certified person or company responsible. This scope should come from the SCM Maintenance Plan included with the Agreement.
- v. By January 1, 2021, property owner(s) shall submit any reports for Inspection Maintenance of private SCMs, including Water Quality Fee Reports, to the Water Quality Manager, which shall be signed by a certified inspector with up-to-date certification.

E. Single Family Residential Detention (SFR) and Retention Pond Maintenance

- i. The City may accept the structural maintenance responsibility for selected SFR and retention ponds or other SCMs (as specified in the City's Single Family Residential Water Quality and Pond Maintenance Policy (Policy), RMG and Hamilton County/City of Chattanooga's Best Management Practices (BMP) Manual (Manual).
- ii. The City Water Quality Manager or designee must receive an approved Single Family Residential Water Quality and Ponds Easement Agreement ("Easement Agreement") or fee simple transfer by Special Warranty Deed ("Deed") for transfer of maintenance responsibilities to the City pursuant to the requirements of the SRF policy.
- iii. The property owner's maintenance responsibility will not change, as spelled out in the Policy, RMG and Manual concerning general maintenance.
- iv. Only SFR Detention or Retention Facilities or SCMs that have an approved and recorded Easement Agreement or Deed will be considered. Other facilities including without limitation non-residential, non-single family structures and facilities with Inspection and Maintenance Agreements are addressed in the City's Enforcement Protocol.
- v. Properties maintained by a homeowner's association, other owners, groups, or owners with Inspection and Maintenance Agreements can apply for the SFR Program, but must continue with the required site maintenance until officially notified of acceptance into the SFR Program.
- vi. Property owners must apply to the SFR Program. Once accepted to the program, the property owner will grant temporary access to the property for evaluation and prioritization. If the City accepts an owner's property into the SFR Program, the effective date shall be the date of the Easement Agreement or Deed is recorded.

SECTION 2. BE IT FURTHER ORDAINED, That Chapter 31, Sewers, Mains and Drains, Article VIII, Stormwater Management, Division 7, Fees, be amended by deleting

subsections (4) and (6) of Section 31-356.1, entitled “Adjustments to Water Quality Fee,” in their entirety and substituting the following in lieu thereof:

Sec. 31-356.1

4. Proper SCM Maintenance is required to receive the discounts provided in this Section. Maintenance shall be performed according to the City’s RMG and the site specific Long Term Maintenance Plan. Annually, the property owner must submit approved inspection and maintenance reports with related pictures of the SCMs to verify that the SCMs have been properly maintained and serviced. Failure to provide this documentation by June 30 will result in the suspension of the discount for that year. The fee discount may be reinstated the following year if the inspection and maintenance forms are submitted on time and the property passes a City stormwater compliance inspection. Failure to submit forms for a second year in a row and/or failure of the compliance inspection will result in the forfeiture of the discount. Once a fee discount is forfeited, the property owner may reapply the following year for a fee discount as allowed by the most current ordinance.

SECTION 3. BE IT FURTHER ORDAINED, That Chapter 31, Sewers, Mains and Drains, Article VIII, Stormwater Management, Division 7, Fees, be amended by deleting subsections (A), (B) and (G) of subsection (3) of Section 31-356.2, entitled “Credit Coupons,” in their entirety and substituting the following in lieu thereof and positioning the remaining paragraphs in alphabetical order.

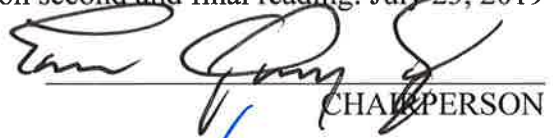
Sec. 31-356.2

3.
 - A. Without demonstrating hardship, the application of credit coupons is limited to fifty percent (50%) of the required SOV.
 - B. Credit Coupons are applied at a one-to-one (1:1) ratio anywhere in the City, outside of Combined Sewer System areas, to meet another site’s SOV obligation.

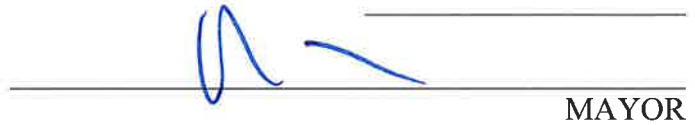
SECTION 4. BE IT FURTHER ORDAINED, That Chapter 31, Sewers, Mains and Drains, Article VIII, Stormwater Management, Division 1, Section 31-302, Definitions, be amended by deleting the definition of "Credit Coupon Multiplier."

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: July 23, 2019


CHAIRPERSON

APPROVED: DISAPPROVED:


MAYOR

VLM/kap/mem