CHAPTER 7

VEGETATED BUFFER ZONE AND STORMWATER QUALITY MANAGEMENT

SECTION

19-701. Purpose. The purpose of the Stormwater Quality Management and Vegetated Buffers Ordinance is as follows:

(1) To apply to all areas located within the jurisdiction of the City of Maryville;

(2) To safeguard the health, safety, and general welfare of the citizens;

(3) To preserve the value of land throughout the city;

(4) To establish reasonable and accepted standards of design and procedures that prevent or reduce the discharge of pollutants from developed or redeveloped land;

(5) To preserve the natural beauty and aesthetics of the community;

(6) To enable the City of Maryville to comply with the NPDES General Permit for discharges from small municipal separate storm sewer systems, TMDLs and other applicable state and federal regulations. (as added by Ord. #2008-08, Feb. 2008)

19-702. Rules applying to chapter. For the purpose of this chapter, certain rules of construction shall apply as follows:

(1) Words used in the present tense shall include the future tense and the singular includes the plural, unless otherwise indicated in the text.

(2) The term "shall" or "must" is always mandatory and not discretionary. The words "may" and "should" are permissive in nature.

(3) Except as herein provided, all words used in this chapter shall have their common dictionary definition. (as added by Ord. #2008-08, Feb. 2008)

19-703. Definitions. (1) "Applicant." Person submitting the application for a grading permit. Typically, this is the owner or operator of the land-disturbing activity.

(2) "As-built drawings." As-built, field verified plans signed and sealed by a registered professional engineer and/or a registered land surveyor, both licensed to practice in the State of Tennessee, showing contours, elevations, grades, and location of drainage and hydraulic structures and permanent best management practices.

(3) "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 and to provide water quality treatment and channel protection in accordance with this ordinance. Water quality BMPs may include structural devices, such as stormwater ponds, extended detention ponds or bioretention areas, or

non-structural practices such as vegetated buffers, water quality buffers or natural open spaces.

(4) "Buffer enhancement plan." A plan required by the City of Maryville for any alteration to a water quality buffer.

(5) "City manager." The City Manager for the City of Maryville, Tennessee.

(6) "Construction." Any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

(7) "Construction related waste." Waste that is generated through construction, land development and land-disturbing activities that may cause adverse impacts to water quality. Construction related waste includes, but is not limited to, discarded building materials, concrete truck washout, chemicals, litter, hazardous materials, oil and sanitary waste at the construction site.

(8) "Covenants for permanent maintenance of water quality best management practices." A legal document executed by the property owner, or a homeowners' association as an owner of record, and recorded with the Blount County Register of Deeds which guarantees perpetual and proper maintenance of BMPs.

(9) "Detailed plans." Plans required by the City of Maryville Land Development and Public Works Standards that present detailed information on the stormwater drainage structures and control measures that will be constructed for a proposed development or redevelopment.

(10) "Developer." The person, firm or corporation, either public and private, engaged in the development of land, as defined below.

(11) "Development." A development includes any of the following activities:

(a) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(i) One (1) or more residential or nonresidential buildings, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

(ii) The division or allocation of land or space, between or among two (2) or more existing or prospective occupants by means of, or for the purposes of streets, common areas, leaseholds, condominiums, building groups or other features.

(b) A subdivision of land.

(12) "Development standards board of appeals." The body that has been delegated the authority by the Council of the City of Maryville to hear appeals concerning decisions made by the city manager or his designee regarding the interpretation of the meaning of this code.

(13) "Easement." A legally-dedicated right-of-way on property for the purposes of allowing the city to manage and maintain infrastructure, site access or stormwater flow within specified boundaries.

(14) "Grading permit." A permit issued to authorize excavation and/or fill to be performed under the guidelines of this chapter.

(15) "Hotspot." An area where the land use or activities generate or have the potential to generate highly contaminated runoff, with concentrations in excess of those typically found in stormwater.

(16) "Impervious surfaces." Areas that prevent or impede the infiltration of stormwater into the soil as it infiltrated in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.

(17) "Land-disturbing activity." Any activity on private or public land that may result in soil erosion and the movement of sediments. Land disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, logging and/or tree chipping operations, haul roads associated with the development, and excavation.

(18) "Lake." See "pond."

(19) "Native vegetation." Plants indigenous to East Tennessee.

(20) "NPDES." National Pollutant Discharge Elimination System.

(21) "Operator." In the context of construction activity stormwater, operator means any person associated with a construction project that meets either of the following two (2) criteria:

(a) This person has operational control over construction plans and specifications, including the ability to authorize modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project; or

(b) This person has day-to-day operational control of those activities at a project site which are necessary to ensure compliance with a site plan, EPSC plan, WQMP, or sketch plan for the site or other permit conditions. This person is typically a contractor or commercial builder and is often authorized to direct workers at a site to carry out activities required by approved plans or comply with other permit conditions.

(22) "Owner or property owner." The legal owner of the property as recorded in the Blount County Register of Deeds office at the time of application of the grading permit.

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

(24) "Pond." For the specific purpose of water quality buffers, a pond or a lake is an inland body of standing water.

(25) "Policy manual" The Policy Manual for Stormwater Quality Management prepared and maintained by the City of Maryville that contains policies, technical criteria, tools and guidelines and other supporting documentation for implementation of the provisions of this ordinance.

(26) "Project." The entire proposed development regardless of the size of the area of land to be disturbed.

(27) "Redevelopment." The improvement of a lot or lots that have been previously developed.

(28) "River." See "stream."

(29) "Sediment." Solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a result of erosion.

(30) "Sedimentation." The action or process of forming or depositing sediment.

(31) "Slope." The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

(32) "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 and drainage.

(33) "Stream." For the specific purpose of water quality buffers, a stream is defined as a linear surface water conveyance that can be characterized with either perennial or ephemeral base flow and:

(a) Has published floodplain elevations that have been computed as part of an approved flood study; or

(b) Are identified as a blue line on a seven and one-half (7.5) minute USGS quadrangle, unless otherwise designated by Tennessee Department of Environmental Conservation (TDEC); or

(c) Are determined to be streams by the City of Maryville, the United States Army Corps of Engineers (USACE) or Tennessee Department of Environmental Conservation (TDEC).

(34) "Structure." Anything constructed or erected such that the use of it requires a more or less permanent location on or in the ground. Structures include but are not limited to buildings, towers, smokestacks, overhead transmission lines, carports and walls.

(35) "Top of bank." The uppermost limit of an active stream channel, usually marked by a break in slope.

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

(37) "Variance." A grant of relief from the requirements of this chapter, that permits construction or activities in a manner otherwise prohibited by this chapter, where specified enforcement would result in unnecessary hardship.

(38) "Water quality buffer." A use-restricted, vegetated area that borders waters of the state located within the City of Maryville, containing natural, enhanced or restored vegetation and grasses, and exists or is established to protect those waterbodies. The water quality buffer shall be located and platted per the requirements of this chapter.

(39) "Water Quality Management Plan (WQMP)." An engineering plan for the location and/or design of BMPs within a proposed development or redevelopment. A WQMP includes a map showing the extent of the land development activity and location of BMPs, design calculations for BMPs, and, when applicable, includes as-built plans and covenants for permanent maintenance of best management practices.

(40) "Water quality volume reduction." A decrease in the water quality volume for one (1) or more areas of a proposed development that is may be obtained for qualified site development features or approaches that can reduce or eliminate the discharge of pollutants in stormwater runoff. Water quality volume reductions can only be obtained when technical criteria, as defined by the City of Maryville, are met.

(41) "Water quality volume reduction areas." Areas within the proposed development or redevelopment for which a water quality volume reduction can be obtained.

(42) "Waters of the state." Any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or affect a junction with natural surface or underground waters.

(43) "Watercourse." Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and that has a defined channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

(44) "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, and/or the Natural Resources Conservation Service, or a qualified professional that has been trained in the identification and delineation of wetland areas. (as added by Ord. #2008-08, Feb. 2008)

19-704. Authority. (1) The city manager and the staff under the city manager's supervision shall administer the provisions of this ordinance.

(2) The city manager or his/her designee has the authority to promulgate rules, regulations, policies and guidance consistent with this chapter in order to carry out the meaning and intent through a City of Maryville Policy Manual for Stormwater Quality Management (or Policy Manual). The policies, criteria and requirements stated in the Policy Manual shall be enforceable, consistent with other provisions of this chapter.

(3) In the event that the city manager or his/her designee determines that a violation of any provision of this ordinance has occurred, or that work does not have a required permit, or that work does not comply with an approved plan or permit, the city manager or his/her designee may issue a notice of violation to the permittee or property owner and/or any other person or entity having responsibility for activities performed at a development, at which time the penalty provisions of this chapter shall be implemented. (as added by Ord. #2008-08, Feb. 2008)

19-705. Requirement for submittal of a Water Quality Management Plan (WQMP). (1) No individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, county, city, or other political subdivision, cooperative, or any other legal entity shall engage in any land-disturbing activity within the corporate limits of the City of Maryville without meeting the requirements of this chapter, unless exempted from obtaining a grading permit under chapter 3 of this title of the City of Maryville Municipal Code.

(2) Any non-residential development or redevelopment of any size or any residential development or redevelopment that will result in a land-disturbing activity that is equal to or greater than one (1) acre that must obtain a grading permit, unless exempted from obtaining a grading permit under chapter 3 of this title of the City of Maryville Municipal Code, shall submit a WQMP for approval by the director of engineering and public works or his/her designee.

(3) The WQMP shall be submitted as part of the erosion prevention and sediment control plan, or detailed plans, in accordance with and as required by the Maryville Land Development and Public Works Standards.

(4) No grading or building permit shall be issued until a WQMP has been approved by the director of engineering and public works or his/her designee.

(5) Developments or redevelopments of any size that received approval of detail plans prior to the effective date of this chapter or developments or redevelopments for which a WQMP was not required prior to the effective date of this chapter shall be exempted from the requirements of this chapter. (as added by Ord. #2008-08, Feb. 2008)

19-706. General requirements. (1) The WQMP shall include all of the required elements that are listed and/or described in the policy manual. The director of engineering and public works or his/her designee may require submittal of additional information in the WQMP as necessary to allow an adequate review of the existing or proposed site conditions. Omission of any required items shall render the plans incomplete and they will be returned to the applicant prior to review by the director of engineering and public works or his/her designee.

(2) The WQMP shall be subject to any additional requirements set forth in the minimum subdivision regulations, zoning ordinance, the Land Development and Public Works Standards or other City of Maryville regulations.

(3) The WQMP shall be prepared and stamped by a professional engineer, landscape architect, or architect competent in civil and site design and licensed to practice in the State of Tennessee. Portions of the WQMP that require hydraulic and/or hydrologic calculations and design shall be prepared and stamped by a professional engineer competent in civil and site design and licensed to practice in the State of Tennessee.

(4) The approved WQMP shall be followed during grading and construction activities. Under no circumstance is the owner or operator of land development activities, or any person(s) acting on the owner's behalf, allowed to deviate from the approved WQMP without prior written approval of a plan amendment by the director of engineering and public works or his/her designee.

(5) The approved WQMP shall be amended if the proposed site conditions change after plan approval is obtained, or if it is determined by the director of engineering and public works or his/her designee during the course of grading or construction that the approved plan is inadequate.

(6) The WQMP shall include a listing of any legally-protected state or federally-listed threatened or endangered species and/or critical habitat located in the area of development or redevelopment (if any) and a description of the measures that will be used to protect them during and after grading and construction. United States Fish and Wildlife approval is required for all protection measures.

(7) Other state and/or federal permits that may be necessary for construction in and around streams and/or wetlands shall be approved through the appropriate lead regulatory agency prior to submittal of a WQMP to the City of Maryville.

(8) BMPs, water quality buffers and water quality volume reduction areas shown in WQMPs shall be maintained through the declaration of a protective covenant, entitled "Covenants for Permanent Maintenance of Water Quality Best Management Practices" (covenant). The covenant must be approved by and shall be enforceable by the City of Maryville. The covenant shall be recorded with the deed and shall run with the land and continue in perpetuity.

(9) BMPs, water quality buffers and water quality volume reduction areas shall be placed into a permanent easement that is recorded with the deed to the parcel and held by the City of Maryville. A maintenance right-of-way or easement, having a minimum width of twenty (20) feet from a driveway, public road or private road shall also be provided.

(10) The owner or operator of any land development activities may be subject to additional watershed or site specific requirements other than those stated in this chapter in order to satisfy local, state or federal requirements, or where the director of engineering and public works or his/her designee has determined through stormwater master plans, engineering studies, a history of existing or documented water quality problems, or engineering judgment that additional restrictions are need to limit adverse impacts of the proposed development on water quality or channel protection. Areas subject to additional requirements may also include developments, redevelopments or land uses that are considered pollutant hotspots.

(11) The director of engineering and public works or his/her designee may waive or modify the requirements of the chapter if adequate water quality treatment and channel protection are suitably provided by a downstream or shared off-site BMP, or if engineering studies determine that installing the required BMP(s) would actually cause adverse impact to water quality or cause increase channel erosion or downstream flooding. (as added by Ord. #2008-08, Feb. 2008)

19-707. Water quality treatment requirements. All new developments or redevelopments that submit a WQMP shall provide treatment of stormwater runoff in accordance with the following requirements:

(1) Stormwater runoff generated from the development or redevelopment must be treated for water quality prior to discharging from the property, in accordance with the stormwater pollutant removal treatment standard and criteria provided in the policy manual.

(2) The treatment of stormwater runoff shall be achieved through the use of one (1) or more BMPs that are designed and constructed in accordance with the design criteria, guidance and specifications provided in the policy manual.

(3) Methods, designs or technologies for BMPs that are not specified in the policy manual may be submitted for approval by the director of engineering and public works or his/her designee if it is proven that such methods, designs or technologies will meet or exceed the stormwater treatment standards set forth in the policy manual and this chapter. Proof of such methods, designs, or technologies must meet the minimum testing criteria set forth in the policy manual.

(4) BMPs shall not be installed within the public right-of-way without prior approval of the director of engineering and public works or his/her designee. (as added by Ord. #2008-08, Feb. 2008)

19-708. Channel protection requirements. (1) All new developments or redevelopments that are required to submit a WQMP shall provide downstream channel erosion protection by capturing the channel protection volume (the runoff volume from the one (1) year frequency, twenty-four (24) hour storm) and discharging such volume over no less than a twenty-four (24) hour period using the design methods provided in the policy manual.

(2) Downstream channel erosion protection can be provided by an alternative approach in lieu of controlling the channel protection volume subject to prior approval by the director of engineering and public works or his/her designee. Sufficient hydrologic and hydraulic analysis showing that the alternative approach will offer adequate channel protection from erosion must be presented in the WQMP. (as added by Ord. #2008-08, Feb. 2008)

19-709. Requirement for submittal of a Special Pollutant Abatement Permit (SPAP). Technical requirements for the permit shall be based on the current policy manual subject to the approval of the director of engineering and public works or his/her designee.

(1) Specific land uses are known to produce pollutants that are detrimental to water quality and would not be corrected by standard water quality treatment methods. A special pollution abatement permit is required to ensure that structural and management BMPs are used to control water quality for these uses and that the BMPs employed are designed to reduce the special pollutant to an acceptable level. Before the approval of structural stormwater treatment devices, the engineering and public works director or his/her designee 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 special pollution abatement permit will be valid for a period of five (5) years, at which point it must be renewed. At the time of renewal, any deficiency in the management method must be corrected. Any development that occurs without a required permit shall be a violation of this chapter of the code.

(2) A special pollution abatement permit shall be required for the following land uses:

(a) Vehicle, truck or equipment maintenance, fueling, washing or storage areas including but not limited to: automotive dealerships, automotive repair shops, and car wash facilities;

(b) Any property containing more than four hundred (400) parking spaces, or one hundred twenty thousand (120,000) square feet of impervious parking area;

(c) Recycling and/or salvage yard facilities;

(d) Restaurants, grocery stores, and other food service facilities;

(e) Commercial facilities with outside animal housing areas including animal shelters, fish hatcheries, kennels, livestock stables, veterinary clinics, or zoos;

(f) Other producers of pollutants identified by the director of engineering and public works or his/her designee by information provided to or collected by him or his representatives, or reasonably deduced or estimated by him or his representatives from engineering or scientific study. (as added by Ord. #2008-08, Feb. 2008)

19-710. General requirements for water quality buffers. (1) All new developments or redevelopments that are required to submit a WQMP and/or record a plat shall establish, protect and maintain water quality buffers along all streams, rivers, lakes, ponds and wetlands located in, the City of Maryville as set forth in this chapter and in the policy manual. Buffers shall be established, protected, and maintained for portions of waterbodies that are located in the City of Maryville. Any property or portion thereof that lies within the water quality buffer is subject to the requirements for the water quality buffer stated in this chapter, as well as any and all zoning restrictions that apply to the parcel as a whole.

(2) The water quality buffer shall be established, managed and maintained to protect the physical and ecological integrity of the buffered waterbody, to reduce the potential for flooding, provide tree canopy, stabilize streambanks and to filter runoff from developed areas. Management of the water quality buffer includes specific limitations on alteration of the natural conditions as set forth in this chapter and the policy manual.

(3) Except as otherwise provided in this chapter, the water quality buffer must be maintained in a use-restricted, undisturbed state in accordance with this chapter. The water quality buffer must meet, or have the ability to meet through vegetation improvement and growth, the minimum vegetative targets defined for the buffer in this chapter.

(4) Public or private property that is being developed or redeveloped for purposes of the City of Maryville greenway or linear park system is exempt from all water quality buffer requirements. (as added by Ord. #2008-08, Feb. 2008)

19-711. Minimum width and vegetation standards for buffers on streams and rivers. (1) A water quality buffer having a minimum width of sixty (60) feet shall be provided along each side of a stream or river, as measured perpendicular from the top-of-bank of the active channel. For those streams that do not have a defined top-of-bank, the buffer shall be measured perpendicular from the centerline of the stream.

(2) The water quality buffer shall consist two (2) zones, as follows:

(a) Inner zone: The inner zone of the water quality buffer shall have a minimum width of thirty (30) feet, measured perpendicular from

the top-of-bank of the active channel and extending landward. Property owners are permitted and encouraged to establish an inner zone that has a width greater than thirty (30) feet.

(b) Outer zone: The outer zone of the water quality buffer shall be measured from the edge of the inner zone and shall extend the perpendicular distance required to obtain a total minimum buffer width of sixty (60) feet, when combined with the width in the inner zone.

(3) The minimum vegetative target for the inner zone is mature, moderately dense forest (i.e., trees) with woody shrubs and understory vegetation. Where forest vegetation has the potential to impact traffic safety or limit access, areas immediately surrounding approved stream crossings and utility access areas may be vegetated with dense grasses.

(4) The minimum vegetative target for the outer zone is mowed, dense grass that covers the entire zone.

(5) A variance for the width of the water quality buffer may be granted for water quality buffers located on streams and rivers through allowance of buffer width averaging, provided that the following conditions are met:

(a) The average width of the entire buffer within the boundaries of the property to be developed shall not be less than sixty (60) feet; and

(b) The width of the buffer shall not be less than thirty (30) feet at any location, except where infrastructure encroachments and/or stream crossings have been approved by the director of engineering and public works or his/her designee;

(c) Areas of the water quality buffer having a minimum width of thirty (30) feet (or less at infrastructure encroachments and stream crossings) can comprise no more than fifty percent (50%) of the buffer length;

(d) Buffer width averaging is performed in accordance with policies stated in this chapter and the policy manual.

(6) Buffer width averaging is required for water quality buffers that have stream crossings and infrastructure encroachments.

(7) Buffer width averaging is prohibited for any portion of the development that has or will have after development the land uses described below:

(a) Areas that have slopes greater than fifteen percent (15%) that are located within fifty (50) feet of the stream to be buffered;

(b) Developments or facilities that include on-site sewage disposal and treatment system drainfields (i.e., septic systems), raised septic systems, subsurface discharges from a wastewater treatment plant, or land application of biosolids or animal waste;

(c) Landfills (demolition landfills, permitted landfills, close-in-place landfills);

(d) Junkyards;

(e) Commercial or industrial facilities that store and/or service motor vehicles;

(f) Commercial greenhouses or landscape supply facilities;

(g) Developments or facilities that have commercial or public pools;

(h) Agricultural facilities, farms, feedlots, and confined animal feed operations;

(i) Animal care facilities, kennels, and commercial/business developments or facilities that provide short-term or long-term care of animals;

(j) Other land uses deemed by the director of engineering and public works or his/her designee to have the potential to generate higher than normal pollutant loadings. (as added by Ord. #2008-08, Feb. 2008)

19-712. Minimum width and vegetation standards for buffers on ponds and lakes. (1) A water quality buffer having a minimum width of thirty (30) feet shall be provided around the perimeter of ponds and lakes that discharge water to or receive discharges of water from streams or rivers. The buffers shall be measured perpendicular from the topographic contour that defines the normal pool elevation.

(2) Water quality buffers are not required around the perimeter of ponds that are hydraulically disconnected from a stream or river, or around ponds that are newly designed and constructed for the purposes of meeting water quality treatment or channel protection requirements.

(3) The minimum vegetative target for water quality buffers on ponds and lakes is mowed, dense grass that covers the entire buffer area. (as added by Ord. #2008-08, Feb. 2008)

19-713. Minimum width and vegetation standards for buffers on wetlands. (1) A water quality buffer having a minimum width of thirty (30) feet shall be provided around the perimeter of a wetland, as measured from the outermost edge of the wetland.

(2) Water quality buffers are not required for wetlands designed and constructed for the purposes of water quality treatment or channel protection.

(3) The minimum vegetative target for water quality buffers on wetlands is undisturbed, mature, moderately dense forest (i.e., trees) with woody shrubs and understory vegetation. (as added by Ord. #2008-08, Feb. 2008)

19-714. Additional vegetation requirements for water quality buffers. (1) Except as otherwise provided in this chapter, the water quality buffer must be maintained in a vegetated state in accordance with the minimum vegetated targets defined for the buffer and the requirements of this section.

(2) Existing water quality buffer may be restored or improved in accordance with the requirements of this chapter without prior approval of a buffer enhancement plan by the director of engineering and public works or his/her designee.

(3) Property owners of existing water quality buffers that have been disturbed or do not meet, or do not have the potential to meet through natural vegetative succession, the vegetative targets for buffer areas that are defined in this chapter shall be required to restore or improve the buffer area in accordance with this chapter.

(4) Vegetative improvement of water quality buffer areas shall be required for buffer areas that do not conform to the minimum vegetative target at the time of development or redevelopment. Inner zone areas that can be characterized as an early successional forest, consisting of a combination of grasses, vines, shrubs, tree saplings and possibly even a few mature trees, may not require vegetative improvement, provided that the vegetation appears healthy, provides adequate ground coverage, and consists largely of native and non-invasive species.

(5) Property owners of water quality buffer areas that require vegetative improvement shall submit a buffer enhancement plan prior to establishment of the buffer. The buffer enhancement plan shall be submitted to the director of engineering and public works or his/her designee for approval prior to establishment of the buffer with the WQMP and may be submitted as part of a larger landscaping plan.

(6) Buffer enhancement plans shall be prepared in accordance with the requirements set forth in the policy manual.

(7) Establishment of a water quality buffer must adhere to the following conditions:

(a) All areas/zones of the buffer being established must be planted, at a minimum, with vegetation that is appropriate to achieve the vegetative targets stated in this chapter.

(b) All areas/zones of the buffer being established must be stabilized against erosion.

(c) If the outer zone of a stream buffer and the buffer around a pond or a lake will consist largely of grasses after enhancement, seeding must be performed at a rate/density sufficient to provide healthy, dense, permanent vegetative cover for one hundred percent (100%) of the buffer area within one (1) growing season. Mulch, pebbles, wood chips and other non-vegetative ground cover is not acceptable for buffer enhancement.

(d) No trees shall be planted in a utility easement;

(e) No species may comprise more than one third (1/3) of the total planted trees or shrubs;

(f) Seedlings/trees must be guaranteed at a seventy-five percent (75%) survivorship; and

(g) Non-native species must be removed from the water quality buffer area. For water quality buffers on streams, where the removal of such vegetation would cause a reduction in the amount of stream canopy by fifty percent (50%) or more, revegetation with native plants is required to provide the cover of the previous canopy at a minimum. For areas where such vegetation removal would cause a reduction in the amount of streambank vegetation, revegetation with native plants is required to return the amount of vegetative cover to its previous state, at a minimum. To reduce the potential for streambank erosion, revegetation measures along streambanks must include sufficient erosion control measures, such as turf reinforcement mats, erosion control blankets, and straw wattles, etc., to stabilize the area in the short- and long-term.

(h) To increase the chances for the success and health of the buffer area, the plant species, density, placement, and diversity proposed in buffer enhancement plans must be appropriate for stream, wetland, and pond/lake buffers to achieve the vegetative target that is defined for the buffer through natural succession, given the local site conditions and use of the upland property. Proposed planting and long-term maintenance practices must also be appropriate and performed properly.

(i) Vegetation mortality must be accounted for all planting densities that are proposed in buffer enhancement plans.

(8) One (1) year after completion of the restoration or enhancement activity, the portion of the performance bond related to the buffer enhancement plan can be released provided that the buffer area has been restored or enhanced as required, that soils within the buffer area are stable and not eroding, and that buffer vegetation is healthy and growing as expected. (as added by Ord. #2008-08, Feb. 2008)

19-715. Requirements for steep slopes in water quality buffer areas. Where steep slopes of fifteen percent (15%) or greater are located within fifty (50) feet of the water body, one of the following conditions shall apply:

(1) The water quality buffer width in the steep slope area shall be adjusted to include an additional twenty (20) feet, giving a total buffer width of eighty (80) feet. At a minimum, the additional twenty (20) feet shall meet the vegetation target of mowed, dense grass that covers the entire additional area.

(2) The water quality buffer in the steep slope area shall have a minimum width of sixty (60) feet and follow the inner zone criteria. (as added by Ord. #2008-08, Feb. 2008)

19-716. Activities within the water quality buffer. (1) The following activities or land uses are prohibited within the water quality buffer:

(a) The storage and use of pesticides, herbicides, and fertilizers, except as provided in this chapter;

(b) All types of impervious surfaces, structures, buildings, storage facilities and other accessories;

(c) Vehicle storage and maintenance;

(d) Waste storage areas, dumpsters, grease bins;

(e) Septic tanks and septic drain fields;

(f) Hazardous sanitary waste landfills;

(g) Receiving areas for toxic or hazardous waste or other containments;

(h) Mining;

(i) Animal lots or kennels; and,

(j) Other activities or uses that are known to contribute pollutants to waterways.

(2) Facilities used for stormwater quantity or quality management, and/or for channel erosion protection may be located within the water quality buffer area provided such facilities are approved by the director of engineering and public works or his/her designee.

(3) The following activities are allowed within the inner zone of water quality buffers on streams and within water quality buffers on wetlands:

(a) Maintenance activities to remove trees or other vegetation if they are in danger of falling, causing damage to dwellings or other structures, causing blockage of the stream, standing in the path of an approved water, sanitary sewer, storm main. The roots of a tree that are penetrating or in danger of penetrating a sewer, water or storm drainage line at a joint or pipe connection may be removed, however the root wad or stump should be left in place, where feasible, to maintain soil stability.

(b) Maintenance activities to prune native vegetation provided that the health and function of the vegetation is not compromised.

(c) Maintenance activities to remove non-native vegetation (i.e. honeysuckle, kudzu, privet) and re-vegetated with native species, provided that such activities cause minimal soil disturbance is permitted and the requirements of § 19-714(7) are met.

(d) Disturbances as required to establish and/or restore buffer areas in accordance with an approved buffer enhancement plan.

(e) Stormwater management facilities that do not detract from the buffer meeting the minimum vegetative target for the buffer area and will allow the buffer area to meet its intended purposes as stated in § 19-710.

(f) Infrastructure such as roads, bridges, storm drainage, and utilities, provided that they adhere to the following standards:

(i) The width shall be kept to the minimum width needed to allow for maintenance access and installation;

(ii) The crossing shall be at an angle that minimizes clearing requirements;

(iii) The minimum number of crossings should be used within each development, with no more than one (1) crossing every one-thousand (1,000) linear feet. The director of engineering and public works or his/her designee may approve additional crossings if justified by traffic, safety, or access issues.

(iv) Access areas for utilities that are located in the water quality buffer shall be allowed. Access areas must be minimized to the extent possible and shall be located no less than four-hundred (400) feet apart unless warranted by valid safety, access, or service issues.

(g) Pathways, trails and picnic areas, provided that no impervious surfaces are used and the design and location of such areas are approved by the City of Maryville.

(h) Removal of forest vegetation that has the potential to impact traffic safety or limit access, to areas immediately surrounding the approved stream or utility crossing. The area shall be vegetated with a minimum of dense grass.

(i) Bank stabilization, stream restoration or habitat alteration projects and other activities permitted and approved by TDEC or under section 404 of the Federal Clean Water Act. The buffer area must be re-vegetated in accordance with the requirements of this chapter immediately after the project is complete. Such project must include sufficient erosion control measures, such as turf reinforcement mats, erosion control blankets, straw wattles, etc., to stabilize the area in the short- and long-term.

(j) Education activities and scientific research that do not require any prohibited activities identified in this section.

(4) The following activities are allowed within the outer zone of the water quality buffers on streams and rivers, and within water quality buffers on ponds and lakes.

(a) All activities that are allowed within the inner zone;

(b) Land disturbance and grading, provided that the buffer area is re-vegetated in accordance with the requirements of this chapter immediately after the project is complete. A buffer enhancement plan must be submitted and approved for land disturbance and grading projects that require a grading permit, prior to approval of the grading permit.

(c) Clearing, grubbing, grading and re-vegetation, performed in accordance with an approved grading plan;

(d) Disturbances necessary for the construction of utility access areas and approved stream crossings;

(e) On-going vegetative maintenance activities such as mowing, bush-hogging, and weed-eating.

(f) The limited application of herbicides and fertilizers for purposes of vegetation removal and management is allowed. Herbicides and fertilizers used must be non-toxic, biodegradable, and safe for humans, animals and the environment. (as added by Ord. #2008-08, Feb. 2008)

19-717. The protection of water quality buffers during construction. (1) Unless otherwise provided in this chapter, all water quality buffer areas shall remain protected from land disturbance, vegetation removal, construction of impervious surfaces, and discharges of sediment and other construction-related wastes during development activities.

(2) Water quality buffers shall be clearly identified on all construction drawings, and marked with the statement "water quality buffer. Do not disturb."

(3) The entire perimeter of water quality buffer areas must be clearly marked at the site of development or redevelopment prior to the initiation of land disturbing activities. A combination of stakes, flagging, silt fence and/or orange construction fence may be used to ensure adequate visibility of the water quality buffer perimeter. The perimeter markings must be inspected and approved by the director of engineering and public works or his/her designee prior to approval of a grading permit.

(4) Water quality buffers cannot be encroached upon or disturbed during project construction, unless they are being established, restored, or enhanced in accordance with an approved buffer enhancement plan.

(5) All areas of the water quality buffer, including streambanks, shall be left in a stabilized condition upon completion of construction activities. No actively eroding, bare or unstable areas shall remain. (as added by Ord. #2008-08, Feb. 2008)

19-718. The protection and maintenance of water quality buffers after construction. (1) Once construction has ceased on a project, water quality buffers must be maintained in accordance with the recorded covenants for maintenance of water quality best management practices. The covenants shall require that maintenance of the water quality buffer be the responsibility of the property owner.

(2) In order to provide for long-term protection and maintenance, the City of Maryville shall require that the water quality buffer be protected in perpetuity by placing the buffer in a permanent water quality or other easement that is recorded with the property's deed.

(3) Permanent boundary markers, in the form of signage approved or provided by the director of engineering and public works or his/her designee may be required prior to recording of the final plat, and the issuance of a certificate of occupancy. The director of engineering and public works or his/her designee

has the authority to require replacement of permanent boundary markers that have been removed or destroyed. (as added by Ord. #2008-08, Feb. 2008)

19-719. Plats prepared for recording. Unless otherwise provided herein, all site development plans and plats prepared for recording shall:

(1) Show the extent of all water quality buffers on the subject property by metes and bounds and be labeled as "water quality buffer";

(2) Provide a note with reference to the water quality buffer stating that there shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Maryville. (as added by Ord. #2008-08, Feb. 2008)

19-720. Conflicts with state requirements for buffer areas. The State of Tennessee may require water quality buffers during construction activities via provisions contained in the Tennessee Construction General Permit (CGP) or other regulatory permits and processes. The state's requirements may, or may not, align with the City of Maryville's requirements and policies for water quality buffers. It is the responsibility of the site developer to be informed about and follow the requirements of any state-level buffer requirements. If State of Tennessee and Maryville buffer requirements differ, the more stringent requirement shall apply. (as added by Ord. #2008-08, Feb. 2008)

19-721. Performance bond. (1) Prior to plat approval, a performance bond which guarantees satisfactory completion of construction work related to BMPs and/or the establishment of water quality buffers may be required for a period of two (2) years.

(2) Performance bonds shall name the City of Maryville as beneficiary and shall be guaranteed in the form of a surety bond, cashier's check, or letter of credit from an approved financial institution or insurance carrier. The surety bond, cashier's check, or letter of credit shall be provided in a form and in an amount to be determined by the director of engineering and public works or his/her designee. The actual amount shall be based on submission of plans and estimated construction, installation or potential maintenance and/or remediation expenses.

(3) The director of engineering and public works or his/her designee may refuse brokers or financial institutions the right to provide a surety bond, letter of credit, or cashier's check based on past performance, ratings of the financial institution, or other appropriate sources of reference information. (as added by Ord. #2008-08, Feb. 2008)

19-722. NPDES permits. Persons or entities who hold NPDES general, individual and/or multi-sector permits shall provide either a copy of such permit or the permit number assigned to them by the Tennessee Department of

Environment and Conservation to the director of engineering and public works or his/her designee no later than sixty (60) calendar days after issuance of the permit. (as added by Ord. #2008-08, Feb. 2008)

19-723. As-built drawings. (1) Prior to the release of a bond, as-built drawings shall be provided to the director of engineering and public works or his/her designee, certifying that all BMPs comply with the design shown on the approved WQMP(s). Features such as the location and elevation of structural BMPs, boundaries of vegetated buffers and water quality volume reduction areas shall be provided to verify approved plans. Other contents of the record drawings must be provided in accordance with guidance provided in the policy manual.

(2) As-built drawings shall include sufficient design information to show that the BMPs required by this chapter will operate as approved. This shall include all necessary computations used to determine percent pollutant removal and the flow rates and treatment volumes required to size BMPs.

(3) The as-built drawings shall be stamped by the appropriate design professional required to stamp the WQMP, as stated in § 19-706 of this chapter, and a registered land surveyor licensed to practice in the State of Tennessee. The engineer shall certify that the as-built conditions will meet all water quality requirements and the surveyor shall certify the accuracy and completeness of the survey. (as added by Ord. #2008-08, Feb. 2008)

19-724. Right of entry. (1) The director of engineering and public works or his/her designee may enter upon any property that discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system; stream; natural drainageway; or other stormwater system during reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this chapter.

(2) Failure of a property owner, person(s) working on behalf of the property owner, or other legal occupant of the property, such as a lessee, to allow such entry by the director of engineering and public works or his/her designee onto a property for the purposes set forth in § 19-723 shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy, and/or civil penalties, fines and/or damage assessments in accordance with § 19-733 through § 19-735 of this chapter. (as added by Ord. #2008-08, Feb. 2008)

19-725. Inspection and maintenance. (1) The owner(s) of BMPs, water quality buffers and/or water quality volume reduction areas or his/her designee shall at regular and appropriate frequencies inspect and properly operate and maintain all BMPs, water quality buffers and/or water quality volume reduction areas in such manner as to maintain their full and intended function. Inspection and maintenance of privately-owned BMPs, water quality

buffers and water quality volume reduction areas shall be performed at the sole cost and expense of the owner(s) of such features.

(2) Inspections and maintenance shall be performed in accordance with the requirements provided in the policy manual. The director of engineering and public works or his/her designee has the authority to impose more stringent inspection and maintenance requirements as necessary for purposes of water quality protection and public safety.

(3) Inspection and maintenance activities shall be documented by the property owner or his/her designee. 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 director of engineering and public works or his/her designee

(4) Prior to release of the performance bond, the property owner shall provide the City of Maryville with an accurate as-built drawing of the property and an executed covenant for all BMPs, water quality buffers and water quality reduction areas. The property owner shall record these items with the Blount County Register of Deeds. The location of the BMPs, water quality buffers, and water quality volume reduction areas, and the easements associated with each of these features shall be shown on a plat that is also recorded with the Blount County Register of Deeds.

(5) The removal of sediment and other debris from BMPs shall be performed in accordance with all City of Maryville, state and federal laws. Guidelines for sediment removal and disposal are referenced in the policy manual. The director of engineering and public works or his/her designee may stipulate additional guidelines if deemed necessary for public safety.

(6) This chapter does not authorize access to neighboring private property by the owner of BMPs, water quality buffers, or water quality volume reduction areas or his/her designee. Arrangements for access to neighboring private property by the property owner or his/her designee for purposes of compliance with this chapter must be handled solely by the owner or his/her designee, and the owner(s) of the neighboring property. (as added by Ord. #2008-08, Feb. 2008)

19-726. Corrective actions. The director of engineering and public works may order the property owner or his/her designee to perform corrective actions to BMPs, water quality buffer areas or water quality volume reduction areas as necessary to properly maintain the full and intended function of the features for the purposes of water quality treatment, channel erosion protection, or water quality volume reduction, to ensure adherence to local performance standards, and ensure public safety. If the property owner or his/her designee fails to perform corrective actions, the city manager or his/her designee shall have the authority to order the corrective actions to be performed by the city or others. In such cases where a performance bond exists, the city shall utilize the bond to perform the corrective actions. In cases where a performance bond does

not exist, or is not sufficient to perform the corrective actions, the city may perform such actions and the property owner shall reimburse the city for double its direct and related expenses. If the property owner fails to reimburse the city in accordance with this section, the City of Maryville is authorized to file a lien for said costs against the property and to enforce the lien by judicial foreclosure proceedings. (as added by Ord. #2008-08, Feb. 2008)

19-727. Feature integrity. Any alteration, improvement, or disturbance to BMPs, water quality buffers, or water quality volume reduction areas that are shown in certified as-built drawings shall be prohibited without authorization from the director of engineering and public works or his/her designee. This does not include alterations or repairs that must be made in order to maintain the full and intended function of the BMPs, water quality buffer areas, or water quality volume reduction areas. (as added by Ord. #2008-08, Feb. 2008)

19-728. Conflict and severability. (1) This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions or existing ordinances and regulations. However, where the provisions of this chapter and other regulation conflict or overlap, that provision which is more restrictive or imposes higher standards or requirements shall prevail. It is required that the director of engineering and public works or his/her designee be advised of any such regulatory conflicts upon submittal of a WQMP.

(2) 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. (as added by Ord. #2008-08, Feb. 2008)

19-729. Responsibility. This chapter does not imply a warranty or the assumption of responsibility on the part of the City of Maryville for the suitability, fitness or safety of any structure with respect to flooding, water quality or structural integrity. This chapter is a regulatory instrument only, and is not to be interpreted as an undertaking by the City of Maryville to design any structure or facility. (as added by Ord. #2008-08, Feb. 2008)

19-730. Enforcement during construction. (1) The requirements of this chapter shall be enforced by the director of engineering and public works or his/her designee who shall inspect all the work, grading or construction involved. Failure to properly install or maintain BMPs, water quality buffer areas, or water quality volume reduction areas as specified on the approved WQMP will result in the following actions:

(a) First offense. Written requirement for corrective action that includes a deadline for compliance. If conditions warrant, a stop work

order will be immediately issued. Corrective actions will be in accordance with § 19-726.

(b) Second offense. A notice of violation, a stop work order and suspension of all city inspections until the violation is corrected.

(c) Third offense. A court citation and civil penalty of a minimum of fifty dollars ($50.00) per day per violation and a maximum of five thousand dollars ($5,000.00) per day per violation and possible damage assessment.

(d) Any performance bond posted may be forfeited based on the circumstances if compliance is not achieved after notice of violation within the time specified in the notice. Any grading or building permit granted may also be suspended.

(2) All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred and the director of engineering and public works or his/her designee has approved the corrective action. Such notice shall be in writing and shall be given to the owner of the property, or an agent of the owner, or the person in charge of the job site; or conspicuously posted at the project location, and shall state the necessary corrective actions with a completion date before other activities can resume. (as added by Ord. #2008-08, Feb. 2008)

19-731. Enforcement after construction. The requirements of this chapter shall be enforced by the director of engineering and public works or his/her designee or his/her designee who shall inspect the BMPs, water quality buffers and water quality volume reduction areas at regular and appropriate intervals. Failure to properly maintain BMPs, water quality buffer areas, or water quality volume reduction areas to their full and intended function shall result in a written requirement for corrective action that includes a deadline for compliance. Corrective actions will be in accordance with § 19-726. If conditions warrant, a stop work order will be immediately issued. A court citation and civil penalty of a minimum of fifty dollars ($50.00) per day per violation and a maximum of five thousand dollars ($5,000.00) per day per violation and possible damage assessment may also be levied on the property owner by the City of Maryville. (as added by Ord. #2008-08, Feb. 2008)

19-732. Variances. The director of engineering and public works o his/her designee may waive or modify any of the general criteria which are deemed inappropriate or too restrictive for site conditions, by granting a variance as set forth herein. Variances may be granted in writing under the following conditions:

(1) At the time of plan submission, an applicant may request variances to become part of the approved WQMP. The applicant must explain the reasons for requesting variances in writing and must submit documentation that the

issuance of a variance will not result in a reduction in water quality. Specific variances which are allowed must be documented on the approved WQMP.

(2) During construction, a permit holder may request variances to the approved WQMP. Until such time as the amended plan is approved by the city, the land-disturbing activity and associated construction shall not proceed, except in accordance with the WQMP as originally approved.

Absent universal circumstances, a response to the variance request should be given by the city within ten (10) working days. Without a written approval, no variance shall be considered valid. (as added by Ord. #2008-08, Feb. 2008)

19-733. Unlawful acts. Any Person who: (1) Violates any provision of this chapter;

(2) Violates the provisions of any permit issued pursuant to this chapter;

(3) Fails or refuses to comply with any lawful notice to abate issued by the director of engineering and public works or his/her designee, which has not been timely appealed to the development standards board of appeals, within the time specified by such notice; or

(4) Violates any lawful order of the city or the development standards board of appeals within the time allowed by such order;

Shall be guilty of a violation. Each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. (as added by Ord. #2008-08, Feb. 2008)

19-734. Penalties. (1) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and punished as provided in the general provisions of the city code. Each day that a continuing violation of this chapter is maintained or permitted to remain shall constitute a separate offense.

(2) 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) nor more than five thousand dollars ($5,000.00) per day for each day of the violation. Each violation shall constitute a separate violation. The city may also recover all damages proximately caused to the city by such violation.

(3) In assessing the civil penalty, the city may consider:

(a) The harm done to the public health or the environment;

(b) Whether the civil penalty imposed will be of substantial economic detriment to the illegal activity;

(c) The economic benefit gained by the violator;

(d) The amount of effort put forth by the violator to remedy this violation;

(e) Any unusual or extraordinary enforcement costs incurred by the municipality;

(f) The amount of penalty established by ordinance or resolution for specific categories for violations; and

(g) All equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) In addition to the civil penalty in sub-section (3) above, the city may recover all damages proximately caused by the violator to the city which may include any reasonable expenses and attorneys fees incurred in investigating, enforcing and/or correcting the violations of this chapter.

(5) The city may bring legal action to enjoin the continuing violation of this chapter and the existence of any other remedy in law or equity shall be no defense to any such action.

(6) The remedies set forth in this section shall be cumulative, not exclusive, and is not to be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted. (as added by Ord. #2008-08, Feb. 2008)

19-735. Notice of violation. Whenever the director of engineering and public works or his/her designee determines that a violation of any provision of this chapter has occurred, the director of engineering and public works or his/her designee may issue a notice of violation to the property owner or operator, utility, facility operator, lessee, tenant, contractor, permittee, the equipment operator and/or any other person or entity doing work on the site of the land-disturbing activity. The notice of violation shall:

(1) Be in writing;

(2) Include a description of the property sufficient for identification of where the violation has occurred:

(3) List the violation;

(4) State the action required;

(5) Provide a deadline for compliance or to stop work. (as added by Ord. #2008-08, Feb. 2008)

19-736. Judicial proceedings and relief. (1) The city attorney may initiate proceedings seeking legal and/or equitable relief in any court in any court of competent jurisdiction against any person who has or is making substantial steps towards:

(a) Violating the provisions of this chapter;

(b) Violating the provisions of any permit issued pursuant to this chapter;

(c) Failing or refusing to comply with any lawful order issued by the engineer, which has not been timely appealed to the development standards board of appeals within the time allowed by this chapter;

(d) Violating any lawful order of the development standards board of appeals within the time allowed by such order.

(2) The city attorney may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to publicly-owned stormwater facilities by any person. (as added by Ord. #2008-08, Feb. 2008)

19-737. Appeals. Appeal or review of a civil penalty or damage assessment under this section may be made to the City Council of the City of Maryville by any person incurring a damage assessment or civil penalty. Such review shall be requested within thirty (30) days after the damage assessment or civil penalty is served by filing a written notice of appeal with the city manager's office. If a petition for review of such damage assessment or civil penalty is not filed within thirty (30) days after the damage assessment or civil penalty is served in any manner authorized by law, the violator shall be deemed to have consented to the damage assessment or civil penalty and it shall become final. The alleged violator may appeal a decision of the city council, pursuant to the provisions of state law found in title 27, chapter 8. Upon receipt of an appeal, the city council shall hold a public hearing within sixty (60) days or a later date mutually agreed up on by both parties. Ten (10) days prior, notice of the time, date and location of said hearing shall be published in the Maryville-Alcoa Daily Times or its equivalent local paper. Ten (10) days notice shall be provided to the aggrieved party at the address provide at the time of the appeal. (as added by Ord. #2008-08, Feb. 2008)

19-738. Special fund created. All damages and civil penalties collected under this chapter, following adjustment for the expenses incurred in making such collections, shall be allocated and appropriated for the administration of the city's stormwater program. (as added by Ord. #2008-08, Feb. 2008)