



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801

BEER BOARD / PUBLIC HEARING /
CITY COUNCIL MEETING
6:54 P.M. TUESDAY, MARCH 3, 2026
MARYVILLE MUNICIPAL CENTER

NOTICE: Individuals who wish to speak at council meetings should sign up on the public comment sheets available outside the council chamber. There are sign-up sheets for the following comment periods: public hearings, non-agenda items (Hear Citizens), and existing agenda items. The Mayor will use the sign-up sheets to call upon citizens for comments during the correlating comment period. Please remain seated until called upon to speak.

BEER BOARD

CALL TO ORDER

ROLL CALL

6:54 P.M BEER BOARD

1. CONSIDERATION OF A MOTION TO GRANT A **RETAILER'S ON AND OFF- PREMISES** BEER PERMIT TO AMY LOUISE FUENTES d/b/a RUSTIC KITCHEN, 501 NORTH CUSICK STREET, MARYVILLE, TN 37804.

ADJOURN

Individuals with disabilities who require accommodation for participation in meetings must request accommodation at least 72 hours ahead of the scheduled meeting. Contact the ADA Coordinator, at (865) 273-3430 or email at adainfo@maryville-tn.gov.

Meeting attendees who have difficulty hearing can sign out an assisted listening device prior to the meeting. Please let a member of staff know before the meeting starts to use a device.

PUBLIC HEARING

6:55 P.M PUBLIC HEARING

1. PUBLIC HEARING REGARDING AN ORDINANCE TO ABANDON AN ALLEY LOCATED BETWEEN COLUMBUS STREET AND SOUTHWEST TERMINUS IDENTIFIED AS ALLEY #200
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6:56 P.M. PUBLIC HEARING

2. A PUBLIC HEARING REGARDING A RESOLUTION TO ANNEX PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARYVILLE, TENNESSEE.

6:57 P.M PUBLIC HEARING

3. PLAN OF SERVICES FOR THE REQUESTED ANNEXATION

AREA. 6:58 P.M. PUBLIC HEARING

4. A PUBLIC HEARING REGARDING AN ORDINANCE ON FIRST READING TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 AS COMMERCIAL.

6:59 P.M. PUBLIC HEARING

5. A PUBLIC HEARING REGARDING AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 AS BUSINESS & TRANSPORTATION WITHIN THE PARKWAY OVERLAY DISTRICT.
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CITY COUNCIL

7:00 P.M.

CALL TO ORDER

ROLL CALL

INVOCATION

APPROVAL OF MINUTES

ACCEPTANCE OF AGENDA

HEAR CITIZENS ON NON-AGENDA ITEMS

BUSINESS

1. CONSIDERATION OF AN ORDINANCE ON SECOND READING TO AMEND §14-217 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, PERTAINING TO SIGN REGULATIONS IN THE CITY OF MARYVILLE.
 2. CONSIDERATION OF AN ORDINANCE ON SECOND READING TO REPEAL TITLE 19, CHAPTER 2, GRADING, SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE OF THE CITY OF MARYVILLE MUNICIPAL CODE AND REPLACE THE SAME WITH A NEW TITLE 19, CHAPTER 2, GRADING, SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE.
 3. CONSIDERATION OF AN ORDINANCE ON SECOND READING TO REPEAL TITLE 19, CHAPTER 5, VEGETATED BUFFER ZONE AND STORMWATER QUALITY MANAGEMENT ORDINANCE OF THE CITY OF MARYVILLE MUNICIPAL CODE AND REPLACE THE SAME WITH A NEW TITLE 19, CHAPTER 5, VEGETATED BUFFER ZONE AND STORMWATER QUALITY MANAGEMENT ORDINANCE.
 4. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO ABANDON AN ALLEY LOCATED BETWEEN COLUMBUS STREET AND SOUTHWEST TERMINUS IDENTIFIED AS ALLEY #200
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5. CONSIDERATION OF A RESOLUTION TO ANNEX PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARYVILLE, TENNESSEE.
 6. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 AS COMMERCIAL.
 7. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 AS BUSINESS & TRANSPORTATION WITHIN THE PARKWAY OVERLAY DISTRICT
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8. CONSIDERATION OF A RESOLUTION TO AUTHORIZE CREDITING ACCUMULATED SICK LEAVE AS CREDITABLE SERVICE WITH THE TENNESSEE CONSOLIDATED RETIREMENT SYSTEM IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED SECTION 8-34-604.
9. CONSIDERATION OF A RESOLUTION UPDATING THE CITY OF MARYVILLE PERSONNEL RULES AND PROCEDURES DATED JULY 2025.
10. CONSIDERATION OF A RESOLUTION AMENDING THE CITY OF MARYVILLE'S POSITION CLASSIFICATION – COMPENSATION PLAN, UTILITY CONSTRUCTION INSPECTOR I, II, AND III.
11. CONSIDERATION OF A MOTION TO DECLARE CERTAIN ITEMS AS SURPLUS AND TO AUTHORIZE THEIR DISPOSAL IN THE MARCH 3RD, 2025 COUNCIL MEETING.



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

CONSIDERATION OF A MOTION TO GRANT A **RETAILER'S ON AND OFF-PREMISES** BEER PERMIT TO AMY LOUISE FUENTES d/b/a RUSTIC KITCHEN, 501 NORTH CUSICK STREET, MARYVILLE, TN 37804.

A) Introduction: This is a new business located in the City of Maryville requesting a **Retailer's on and off-premises** beer permit. The current background investigation revealed that the applicants meet the criteria for the permit.

B) Financial Impact of Action: The City will realize revenue from beer tax and permit fees.

C) Impact of Action on Other Departments/Agencies:

No additional impact other than enforcement of the beer laws.

D) Proposed Action:

Staff recommends approval based on the information provided

Memo

Date: February 11, 2026

To: Sherri Phillips, Niki Freshour

From: Chief Tony Jay Crisp *Tony Jay Crisp*

RE: Beer Permit

Background investigations has been conducted on:

Amy Louise Fuentes, 07/16/1980 (Ownership 100%)
8112 Cambridge Reserve Drive,
Knoxville, Tennessee 37924

For Rustic Kitchen LLC., doing business as Rustic Kitchen:

Rustic Kitchen
501 North Cusick Street
Maryville, Tennessee 37804

Based on these findings I have concluded that the applicants are eligible to be granted a permit at this time pursuant to the City of Maryville Municipal Code



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PUBLIC HEARING ITEM BACKGROUND

A PUBLIC HEARING REGARDING AN ORDINANCE TO ABANDON AN ALLEY LOCATED BETWEEN COLUMBUS STREET AND SOUTHWEST TERMINUS IDENTIFIED AS ALLEY #200

A) Introduction: Alan DeBusk is requesting abandonment of alley #200 located between Columbus Street and southwest terminus. City departments have reviewed the alley and recommended its abandonment.

This alley will not be split evenly because the owners of parcels 3.00 and 5.00 have signed a waiver allowing this non-50% division, which allows parcel 21.00 to have a 30 feet wide access to Columbus St. The owners of parcels 3.00 and 5.00 will get 7.5 feet conveyed to them. The remaining 32.5 feet will be conveyed to become part of parcel 21.00.

The Maryville Municipal Planning Commission recommended approval of the abandonment at their meeting on February 17, 2026, subject to recording a resubdivision plat, establishing a minimum 30 ft. wide strip of land as part of parcel 021.00 within the former alley right-of-way.

B) Financial Impact of Action: If abandoned, Quitclaim deeds will be prepared by the City attorney and filed with the Register of Deeds office. The Property Assessor's office will be notified so that the abandoned property will be placed on the tax rolls.

C) Impact of Action on Other Departments/Agencies: If abandoned, it will release the city from liability issues.

D) Proposed Action:

- Public Hearing



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PUBLIC HEARING ITEM BACKGROUND

A PUBLIC HEARING REGARDING A RESOLUTION TO ANNEX PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARYVILLE, TENNESSEE.

A) Introduction: Amber Barrentine, on behalf of the Alcoa-Maryville Church of God, has requested that the above property be annexed into the City limits. The property is 7.09 acres and is located at 2615 E. Lamar Alexander Parkway. The lot is currently developed with a church and zoned Suburbanizing in the County. The applicant indicated that the intent is to continue to use the property for the church and accessory uses.

If annexed, police, fire, sanitation, and all other City services would be extended to the property per the plan of services.

Staff has prepared an annexation report which details departmental comments and a financial analysis. If annexed, the property would be designated as Commercial on the Future Land Use Map and zoned Business & Transportation, as requested by the applicant.

The Maryville Municipal Planning Commission recommended approval of the annexation of the entire property at their meeting on February 17, 2026.

The proposed resolution consolidates the annexation and plan of services.

B) Financial Impact of Action: The annexation of the subject property, which is currently developed with a church, will not generate additional property and sales taxes for the City, but will provide additional revenue to the Stormwater Utility Fund.

C) Impact of Action on Other Departments/Agencies: Existing City services would be extended to the property per the plan of services.

D) Proposed Action: Public Hearing



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PUBLIC HEARING ITEM BACKGROUND

A PUBLIC HEARING REGARDING AN ORDINANCE ON FIRST READING TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 AS COMMERCIAL.

A) Introduction: If City Council approves the annexation request for the subject property, it needs a designation on the Future Land Use Map (FLUM). The property is currently developed with a church.

Adjoining properties on three sides are in the City of Maryville and zoned Business & Transportation within the Parkway Overlay district. To the south is E. Lamar Alexander Parkway and commercial uses in the City, zoned Business & Transportation within the Parkway Overlay district. Property to the north is developed with City parkland and residential uses in the City, zoned Residential.

The applicant has requested the property be designated as Commercial on the FLUM, consistent with the Business & Transportation zoning and the Commercial designated land to the west and south on the FLUM.

The Maryville Municipal Planning Commission recommended approval of the requested FLUM designation as requested at their meeting on February 17, 2026.

B) Financial Impact of Action: None for the Future Land Use Map designation.

C) Impact of Action on Other Departments/Agencies: None for the Future Land Use Map designation.

D) Proposed Action: Public Hearing



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PUBLIC HEARING ITEM BACKGROUND

A PUBLIC HEARING REGARDING AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 AS BUSINESS & TRANSPORTATION WITHIN THE PARKWAY OVERLAY DISTRICT.

A) Introduction: If City Council approves the annexation request for the subject property, it will need a designation on the City's official Zoning Map. The property is currently developed with a church.

The property is currently zoned Suburbanizing in Blount County. Adjoining properties on three sides are zoned Business & Transportation within the Parkway Overlay district in the City of Maryville. Property to the north is developed as City parkland and residential uses, zoned Business & Transportation and Residential in the City. To the south is E. Lamar Alexander Parkway and residential/commercial development, zoned Business & Transportation in the City.

The applicant has requested the Business & Transportation within the Parkway Overlay zoning designation.

The Maryville Municipal Planning Commission recommended approval of the Business and Transportation zoning district at their meeting on February 17, 2026.

B) Financial Impact of Action: None for the zoning designation.

C) Impact of Action on Other Departments/Agencies: None for the zoning designation.

D) Proposed Action: Public Hearing

Maryville, Tennessee
February 3, 2026, 7:00 P.M.

REGULAR MEETING

The Maryville City Council convened for a public hearing and regular business meeting on February 3, at 7:00 p.m. at the Maryville Municipal Center, when the following members were present: Mayor Andy White presiding, Councilmembers Sarah Herron, Tommy Hunt, Fred Metz, and Drew Miles. Also present were City Manager Greg McClain, City Recorder Sherri Phillips, and City Attorney Melanie Davis. The Mayor declared a quorum to be present.

Thereupon, it was moved by Councilmember Hunt and seconded by Councilmember Herron to approve the minutes from the January 6, 2026, Council Meeting. On roll call, the vote was unanimous.

At this time, the Mayor recognized Tim Phillips, Assistant Public Works Director, for his thirty years of service and presented him with a Certificate of Retirement.

Thereupon, it was moved by Councilmember Herron and seconded by Councilmember Hunt to accept the agenda. On roll call, the vote was unanimous to approve the agenda.

THEREUPON, THE FOLLOWING PROCEEDINGS WERE HAD AND ENTERED OF RECORD TO-WIT:

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE, BY DESIGNATING PROPERTY BEING A PORTION OF BLOUNT COUNTY TAX MAP 058D, GROUP C, PARCEL 015.00 AS RESIDENTIAL.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Hunt that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-02 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE, BY ZONING PROPERTY BEING A PORTION OF BLOUNT COUNTY TAX MAP 058D, GROUP C, PARCEL 015.00 AS RESIDENTIAL.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Hunt that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-03 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE, BY DESIGNATING PROPERTY BEING A PORTION OF BLOUNT COUNTY TAX MAP 058D, GROUP C, PARCEL 001.00 AS MIXED USE.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Hunt that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City

Recorder. The Mayor ordered said ordinance numbered 2026-04 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE, BY ZONING PROPERTY BEING A PORTION OF BLOUNT COUNTY TAX MAP 058D, GROUP C, PARCEL 001.00 AS BUSINESS AND TRANSPORTATION WITHIN THE PARKWAY OVERLY DISTRICT.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Hunt that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-05 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE, BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 068B, GROUP F, PARCEL 001.00 AS COMMERCIAL.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Hunt that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-06 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE, BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 068B, GROUP F, PARCEL 001.00 AS BUSINESS AND TRANSPORTATION.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Hunt that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-07 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE, BY REMOVING CERTAIN PROPERTIES FROM THE PARKWAY OVERLAY DISTRICT.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Hunt that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-08 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE, BY ADDING PROPERTY IDENTIFIED AS BLOUNT COUNTY TAX MAP 058D, GROUP B, PARCEL 030.00 (2627 E. LAMAR ALEXANDER PARKWAY) TO THE PARKWAY OVERLAY DISTRICT.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Herron that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-09 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE, BY ADDING PROPERTY IDENTIFIED AS BLOUNT COUNTY TAX MAP 058D, GROUP C, PARCEL 006.00 (2702 E. LAMAR ALEXANDER PARKWAY) TO THE PARKWAY OVERLAY DISTRICT.

Thereupon, it was moved by Councilmember Hunt and seconded by Councilmember Miles that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-10 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE ADDING A SUBSECTION TO TITLE 11 SECTION 11-202 (1) CONCERNING ANTI-NOISE REGULATIONS FOR CERTAIN CARWASH FACILITIES LOCATED ADJACENT TO RESIDENTIAL ZONES AND RESIDENTIAL USES.

Thereupon, it was moved by Councilmember Hunt and seconded by Councilmember Metz that said ordinance be passed on first reading. At this time, Councilmember Hunt made a motion to amend said ordinance by changing operating hours for carwash facilities to be 8:00 a.m. to 8:00

p.m., Councilmember Herron seconded the motion. On roll call, the vote to amend said ordinance was unanimous. On roll call, the vote was unanimous to pass said ordinance as amended. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-11 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE ADDING SECTION 14-211 (4) (xii) TO THE MARYVILLE MUNICIPAL CODE ESTABLISHING ADDITIONAL COMMERCIAL DESIGN CRITERIA REGULATIONS REGARDING EXCESSIVE NOISE NEAR RESIDENTIAL AREAS.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Herron that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-12 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on first reading:

AN ORDINANCE TO AMEND §14-217 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, PERTAINING SIGNS.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Hunt that said ordinance be passed on first reading. On roll call, the vote was unanimous. Thereupon, the Mayor declared that said ordinance had passed on first reading.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on first reading:

AN ORDINANCE TO REPEAL TITLE 19, CHAPTER 2, GRADING, SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE OF THE CITY OF MARYVILLE MUNICIPAL CODE AND REPLACE THE SAME WITH A NEW TITLE 19, CHAPTER 2, GRADING, SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE.

Thereupon, it was moved by Councilmember Herron and seconded by Councilmember Miles that said ordinance be passed on first reading. On roll call, the vote was unanimous. Thereupon, the Mayor declared that said ordinance had passed on first reading.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on first reading:

AN ORDINANCE TO REPEAL TITLE 19, CHAPTER 5, VEGETATED BUFFER ZONE AND STORMWATER QUALITY MANAGEMENT ORDINANCE OF THE CITY OF MARYVILLE MUNICIPAL CODE AND REPLACE THE SAME WITH A NEW TITLE 19, CHAPTER 5, VEGETATED BUFFER ZONE AND STORMWATER QUALITY MANAGEMENT ORDINANCE

Thereupon, it was moved by Councilmember Herron and seconded by Councilmember Metz that said ordinance be passed on first reading. On roll call, the vote was unanimous. Thereupon, the Mayor declared that said ordinance had passed on first reading.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Hunt to consider a motion to declare certain items as surplus and to authorize their disposal. On roll call, the vote was unanimous.

Thereupon, there being no further business, Vice Mayor Metz adjourned the meeting until the next scheduled meeting unless sooner called by the Mayor or as otherwise provided by law.

Mayor

Attest:

City Recorder



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

1. CONSIDERATION OF AN ORDINANCE ON SECOND READING TO AMEND §14-217 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, PERTAINING TO SIGN REGULATIONS IN THE CITY OF MARYVILLE.

Introduction: Ordinance #2024-17 requires re-adoption to enable it to be codified into the Maryville Municipal Code. The ordinance was originally passed on first reading at the August 6, 2024, Council meeting and second reading at the September 3, 2024, Council Meeting. An ordinance adopting and enacting a comprehensive codification and revision of the ordinances of the City of Maryville (Ord. #2024-20) was passed during these same Council meetings. Because of the order these items were placed on the agendas, the sign ordinance was passed just prior to the recodification ordinance. As a result, the sign ordinance needs to be passed again to add it to the Municipal Code. No changes have been made to the sign ordinance since its adoption in 2024 and is identical to the one previously reviewed and approved by Council.

Development Services is requesting an amendment to §14-217 of the Zoning and Land Use Ordinance, pertaining to regulations for “V” type signs, digital price signs, and digital billboards. The amendment relaxes regulations for “V” type signs in the Industrial zone, digital price signs for fueling stations that cannot erect a freestanding sign, and digital billboards in the High Intensity Retail zone, Washington Street Commercial Corridor, and certain sections of East Broadway Avenue.

“V” type signs are considered one (1) sign if it is connected at the point of convergence and may have an angle up to ninety degrees (90°) in the Industrial zone. Fueling stations may have an additional digital price sign on a building or canopy if it is not possible to construct a freestanding sign. Billboards may be converted to digital billboards if they are located in the High Intensity Retail zone, the Washington Street Commercial Corridor, or along certain sections of East Broadway Avenue.

A) Financial Impact of Action: None.

B) Impact of Action on Other Departments/Agencies: None.



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C) Proposed Action:

- Second reading

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §14-217 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, PERTAINING TO SIGNS.

WHEREAS, the purpose of the amendment is to allow more flexibility for signage regarding V-signs, digital product price signs, and digital billboards; and,

WHEREAS, the Maryville Municipal Planning Commission has heard, reviewed, and recommended that this amendment be granted favorable consideration by the Council of the City of Maryville; and,

WHEREAS, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and,

WHEREAS, the Planning Commission has determined the amendment will not be detrimental to the public health, safety and welfare of the City of Maryville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, as follows:

SECTION 1. §14-217 of Title 14 Zoning and Land Use Control subsection (6)(b)(i) is deleted in its entirety and replaced with the following:

- (i) With respect to a V-type sign, the two sides are connected at the point of convergence.

SECTION 2. §14-217 of Title 14 Zoning and Land Use Control subsection (7)(c)(ii) is deleted in its entirety and replaced with the following:

- (ii) The sign surface area of a double-faced sign constructed in the form of a “V” shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the “V” does not exceed thirty degrees (30°). In the Industrial zone, the surface area of a double-faced “V” sign shall be calculated by using the area of only one side, so long as the angle of the “V” does not exceed ninety degrees (90°).

SECTION 3. §14-217 of Title 14 Zoning and Land Use Control subsection (8)(i) is amended by adding the following sections (i) and (ii):

- (i) In such cases where a freestanding sign cannot be placed on a lot or development, two (2) product (price) signs may be installed on a building or canopy.
- (ii) In such case where two (2) product (price) signs may be installed, neither product (price) sign surface area may exceed twenty-five (25) square feet nor may be installed on the same side of the building or canopy.

SECTION 4. §14-217 of Title 14 Zoning and Land Use Control subsections (19)(c), (19)(e), (19)(f), and (19)(p) are deleted in their entirety and replaced with the following:

(c) The minimum spacing is two thousand feet (2,000') between digital billboards, measured face to face, on the same side of the street.

(e) Digital billboards may be single or double-sided. Digital billboards shall be limited to one (1) display face per side. There shall be only one (1) billboard of any type (digital or non-digital) allowed per location.

(f) Digital billboards facing a residentially zoned property must be located at least one hundred feet (100') measured from the closest point of any structural element of the billboard to the residential property line.

(p) Digital billboards may only be placed in the following areas:

- (i) High Intensity Retail Zoning District; or
- (ii) Washington Street Commercial Corridor Zoning District; or
- (iii) Along East Broadway Avenue between Everett Avenue and Cumberland Street; or
- (iv) Along East Broadway Avenue between Sixth Street and Seventh Street.

SECTION 5. §14-217 of Title 14 Zoning and Land Use Control subsection (19) is amended by adding the following section (q):

(q) Digital billboards shall use “LightDirect” or similar technology to narrow the viewing cone of the billboard to thirty degrees (30°).

SECTION 6. The provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Passed 1st reading this ____ day of _____, 2026. _____
City Recorder

Passed 2nd reading this ____ day of _____, 2026. _____
City Recorder



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400 West Broadway
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AGENDA ITEM BACKGROUND

2. CONSIDERATION OF AN ORDINANCE ON SECOND READING TO REPEAL TITLE 19, CHAPTER 2, GRADING, SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE OF THE CITY OF MARYVILLE MUNICIPAL CODE AND REPLACE THE SAME WITH A NEW TITLE 19, CHAPTER 2, GRADING, SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE.

A) Introduction: Ordinance #2024-18 requires re-adoption to enable it to be codified into the Maryville Municipal Code. The ordinance was originally passed on first reading at the August 6, 2024, Council meeting and second reading at the September 3, 2024, Council meeting. An ordinance adopting and enacting a comprehensive codification and revision of the ordinances of the City of Maryville (Ord. #2024-20) was passed during these same Council meetings. Because of the order these items were placed on the agendas, the stormwater ordinances were passed just prior to the recodification ordinance. As a result, the stormwater ordinances need to be passed again to add them to the Municipal Code. No changes have been made to the stormwater ordinances since their adoption in 2024 and they are identical to those previously reviewed and approved by Council.

B) Financial Impact of Action: None.

C) Impact of Action on Other Departments/Agencies: None.

D) Proposed Action: Pass on second reading.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL TITLE 19, CHAPTER 2, GRADING, SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE OF THE CITY OF MARYVILLE MUNICIPAL CODE AND REPLACE THE SAME WITH A NEW TITLE 19, CHAPTER 2, GRADING, SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE.

WHEREAS, the City of Maryville previously adopted a Grading, Soil Erosion and Sedimentation Control Ordinance, and

WHEREAS, such Grading, Soil Erosion and Sedimentation Control Ordinance is set forth in Title 19, Chapter 2, of the Maryville City Code, and

WHEREAS, the City wishes to revise the ordinance to bring it into compliance with the requirements of the State of Tennessee’s NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows:

SECTION 1. That Title 19, Chapter 2, Grading, Soil Erosion and Sedimentation Control Ordinance of the City of Maryville Municipal Code be deleted in its entirety and replaced with a new Title 19, Chapter 2, Grading, Soil Erosion and Sedimentation Control Ordinance of the City of Maryville Municipal Code attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. That the provisions of this ordinance shall take effect immediately upon final passage, the public welfare requiring it.

ADOPTED this _____ day of _____, 2026.

Mayor

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Passed 1st reading on this _____ day of _____, 2026 _____
City Recorder

Passed 2nd reading on this _____ day of _____, 2026 _____
City Recorder

EXHIBIT A

GRADING, SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

SECTION 1: Purpose. The City of Maryville has in the past experienced development causing the displacement of large quantities of earth. Soil erosion and sediment deposition can result from such development. Sediment is one cause of the contamination of water supplies and water resources and is a cause of pollution. A build-up of sediment can negatively impact resources, clog watercourses and cause flooding, which can result in damage to public and private lands. The result is a threat to the health, safety, and general welfare of the community. Therefore, the purpose of this chapter is to provide regulations within the City of Maryville to accomplish the following:

- (1) to safeguard the health, safety, and general welfare of the citizens;
- (2) to preserve the value of land throughout the city;
- (3) to establish reasonable and accepted standards of design and procedures for development that prevent sediment damage;
- (4) to prevent the pollution of streams, ponds and other watercourses by erosion and sediment deposition;
- (5) to minimize property damage by means of flooding;
- (6) to preserve the natural beauty and aesthetics of the community;
- (7) 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. (1985 Code, § 4-901, as replaced by Ord. #2005-27, July 2005, Ord. #2008-14, March 2008, and Ord. #2013-02, Jan. 2013)

SECTION 2. Rules applying to chapter. For the purpose of this chapter, certain rules of construction shall apply herein 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. (1985 Code, § 4-902, as replaced by Ord. #2005-27, July 2005, Ord. #2008-14, March 2008, and Ord. #2013-02, Jan. 2013)

SECTION 3. Definitions.

- (1) “Applicant.” Person submitting the application for a grading permit. Typically, this is the owner or operator of the land-disturbing activity.
- (2) “Best Management Practices or “BMPs.” Schedules of activities, prohibitions of practices, maintenance procedures, soil stabilization measures, structural controls, and other management practices designed to prevent or reduce the pollution of waters of the United States in accordance with this ordinance.
- (3) “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.
- (4) “Cut and fill slopes.” Sloped areas constructed by excavating or adding soil, rock or other materials.
- (5) “Clearing.” The removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also refer to wide area land disturbance in anticipation of non-construction activities; for instance, clearing forested land in order to convert forest land to pasture for wildlife management purposes. In the definition of discharges associated with construction activity, clearing, grading, and excavation do not refer to the clearing of vegetation

- along existing or new roadways, highways, dams, or power lines for sight distance or other maintenance and/or safety concerns, or cold planing, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces.
- (6) “Development.” The process of grading, clearing, filling, quarrying, construction, or reconstruction to improved or unimproved real estate or other similar activities when not excluded by exemptions from this chapter.
 - (7) “Director.” The Director of Engineering and Public Works for the City of Maryville, Tennessee, or their designee.
 - (8) “Erosion.” The wearing away of land by action of wind, water, ice, or gravity.
 - (9) “EPSC.” The acronym for erosion prevention and sediment control.
 - (10) “EPSC plan.” A formal plan for the control of soil erosion and sediment resulting from land-disturbing activity. The EPSC plan mirrors the SWPPP and shall be reviewed and approved before a grading permit may be issued. The plan may be included as part of a site plan required under another city ordinance or a separate plan following the specifications set out in this chapter.
 - (11) “Grading.” Any operation or occurrence by which the existing site elevations are changed by cutting, filling, borrowing, stock piling, or where any ground cover, natural or man-made, is removed, or any building or other structures are removed or any watercourse or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. “Grading” shall be synonymous with “land-disturbing activity.”
 - (12) “Grading permit.” A permit issued to authorize land-disturbing activities to be performed under the guidelines of this chapter.
 - (13) “Grading policy manual.” The document entitled *Grading and Construction Site Pollution Management Policies and Procedures Manual*. A document prepared and maintained by the City of Maryville which contains policies, procedures, technical criteria and guidelines and other supporting documentation or tools for implementation of the provisions of this ordinance.
 - (14) “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.
 - (15) “NPDES.” National Pollutant Discharge Elimination System
 - (16) “Operator.” For the purpose of this chapter and in the context of stormwater associated with construction activity, operator means any person associated with a construction project that meets either of the following two 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 which are necessary to ensure compliance with a site plan, EPSC plan 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.
 - (17) “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.
 - (18) “Priority construction activity.” Any land-disturbing activity for which an EPSC plan under section 6 part (3)(b) of this chapter is required that discharges into, or immediately upstream of, waters the State of Tennessee designates with unavailable parameters for siltation or Exceptional Tennessee Waters. Also, priority construction activities can include land-disturbing activities of any size that, in the judgment of the Director of Engineering and Public Works or his/her designee, require coordination with adjacent construction activities or have conditions that indicate a higher than normal risk for discharge of sediment or other construction related wastes.
 - (19) “Project.” The entire proposed development regardless of the size of the area of land to be disturbed.
 - (20) “Redevelopment.” The improvement of a lot or lots that have been previously developed.

- (21) "Sketch plan." A plan required for land-disturbing activities that are greater than one-tenth (0.1) acre and less than one (1) acre and are not part of a larger plan of development or sale that describes the EPSC BMPs to be used during land-disturbing activities.
- (22) "Soil stabilization." Measures that protect soil from erosion.
- (23) "Stormwater Management Manual." Documents prepared and maintained by the City of Maryville which contain requirements, standards, specifications, engineering methods and procedures, forms, checklists, and guidelines that may be used for implementation of this article. When used in this article "stormwater management manual" shall denote the latest version of the documents comprising the manual, as amended.
- (24) "Stormwater Pollution Prevention Plan" or "SWPPP". A written plan required by and prepared in conformance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.
- (25) "Variance." A grant of relief from the requirements of this article that permit construction or activities in a manner otherwise prohibited by this article, where specified enforcement would result in unnecessary hardship.
- (26) "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.

SECTION 4. Authority.

- (1) The Director of Engineering and Public Works 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 in a *Grading and Construction Site Pollution Management Policies and Procedures Manual* (henceforth referred to as the "grading policy manual"). The policies, criteria, and requirements stated in the grading policy manual shall be enforceable, consistent with other provisions of this ordinance.
- (2) In the event that the director determines that a violation of any provision of this ordinance has occurred, or that work does not have a required grading permit, or that work does not comply with an approved plan or grading permit, the director may issue a notice of violation to the permittee or property owner and/or any other person or entity having responsibility for construction work performed at a site development, at which time the penalty provisions of this ordinance shall be implemented.

SECTION 5. Existing eroding areas. Upon written notification from the director, the owner or operator of a parcel of land which exhibits unstable or eroding soil conditions shall correct the problem within the time specified in the written notice. This period may be extended upon request if conditions warrant. Minimum correction measures shall include soil stabilization and revegetation of all exposed soil surfaces and otherwise engaging in vegetative EPSC measures. Before commencing corrective measures, the owner or operator shall consult with the director to determine an acceptable method of correction. (1985 Code, §4-904, as replaced by Ord. #2005-27, July 2005, Ord. #2008-14, March 2008, and Ord. #2013-02, Jan. 2013)

SECTION 6. Grading permit required. 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 under section 7 of this chapter.

- (1) The owner or operator of the following land-disturbing activities must obtain a grading permit prior to commencing land-disturbing activities, unless exempted from this requirement under section 7 of this chapter:
 - (a) any new development or redevelopment that will result in a land-disturbing activity that is greater than one-tenth (0.1) of an acre.

- (b) Installation, maintenance, and repair of any underground public utility lines when such activities occur within fifty (50) feet of waters of the State.
- (2) Owners or operators of land-disturbing activities are responsible for obtaining all applicable state and federal permits or approvals prior to requesting a grading permit from the City of Maryville.
- (3) Land-disturbing activities not exempted under section 7 of this chapter shall require:
 - (a) Grading permit application;
 - (b) Five copies of an EPSC plan (required for land-disturbing activities equal to or greater than one acre, including those activities less than one acre that are part of a larger plan of development or sale) or, one (1) copy of a sketch plan (required for land-disturbing activities less than one acre that are not part of a larger plan of development or sale), prepared in conformance with this chapter;
 - (c) Appropriate fee, if applicable;
 - (d) Review of the EPSC plan or sketch plan by the director for compliance with City of Maryville regulations and policies;
 - (e) Grading permit;
 - (f) Site inspection, performed in accordance with this chapter;
 - (g) Ongoing and final inspection.
- (4) The director may require land-disturbing activities that are less than one (1) acre to develop a full EPSC plan, as set forth in this chapter and the grading policy manual, as deemed necessary to protect streams and adjacent properties from erosion and off-site sediment deposition.
- (5) Land-disturbing activities not exempted under section 7 of this chapter shall not commence until:
 - (a) the owner or operator obtains a Notice of Coverage (NOC) under the State of Tennessee General NPDES Permit for Discharge of Stormwater Associated with Construction Activities, or certification that the land-disturbing activity does not require coverage under the State permit, prior to obtaining a grading permit. A copy of the NOC and the associated SWPPP or certification that the site does not require coverage under the State permit must be submitted with the EPSC plan or sketch plan.
 - (b) the owner or operator obtains all applicable permits for the applicable development or redevelopment from state and federal agencies. A copy of the permit(s) obtained must be submitted with the EPSC plan or sketch plan.

SECTION 7. Exemptions. The exemptions listed in this section shall not be construed as exempting these land-disturbing activities from providing adequate EPSC BMPs to protect adjoining property owners, nearby watercourses and the public right-of-way from impacts caused by construction sediments and related wastes. The owner or operator whose activities have been exempted from the requirements for a grading permit shall nevertheless be responsible for otherwise conducting all land-disturbing activities in accordance with the provisions of this article and other applicable laws including responsibility for controlling erosion, sediment deposition and runoff. The director may require owners or operators of exempt activities to obtain a grading permit as deemed necessary to protect adjacent properties or streams from erosion and off-site sediment deposition.

Grading permits are not required for the following land-disturbing activities:

- (1) Installation, maintenance and repair of any underground public utility line when such activity has a land-disturbance less than one (1) acre, occurs on an existing right-of-way, and a cut or excavation permit has been obtained, except within fifty (50) feet of waters of the state, in which event a grading permit is required.
- (2) Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pastureland, forestry land management practices including harvesting, farm ponds, dairy operations, and livestock and poultry management practices.
- (3) Emergency work to protect life or property. Upon completion of emergency work the disturbed area shall be shaped and stabilized in accordance with this chapter. The city must be contacted within 72 hours of the incident.

- (4) Minor residential land-disturbing activities such as home gardens and individual home repairs, landscaping, or maintenance work.

SECTION 8. Application and plan review process.

- (1) No grading permit shall be issued until an EPSC or sketch plan (if required) has been approved by the director.
- (2) The EPSC plan shall comply with the requirements set forth in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, this chapter and in the grading policy manual. The director may require additional information if deemed necessary prior to reviewing a plan.

SECTION 9. EPSC and sketch plan required components.

- (1) EPSC Plans submitted to the director shall be prepared in accordance with the effective Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.
- (2) EPSC Plans submitted to the director shall contain the required components of a SWPPP, as listed in and in accordance with the effective Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, and shall include any additional required elements listed in the grading policy manual and as applicable to the proposed land-disturbing activity.
- (3) Sketch Plans submitted to the director shall contain the required components, as listed in accordance with the grading policy manual and as applicable to the proposed land-disturbing activity.
- (4) The director may request that additional information be submitted as necessary to allow a thorough review of the site conditions and proposed EPSC BMPs.
- (5) Omission of any required items shall render the plans incomplete, and they will be returned to the applicant prior to review by the director.
- (6) All EPSC and sketch plans shall be developed by the owner or his/her agent.
- (7) All EPSC plans shall be prepared and certified by qualified persons as set forth in the effective Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.
- (8) Any legally protected state or federally listed threatened or endangered species and/or critical habitat located in the area of land-disturbing activities (if any) shall be identified in the EPSC plan. If such species are identified in the EPSC plan or by the city, then the EPSC plan shall also include written documentation from the United States Fish and Wildlife Service that indicates:
 - (a) approval of the BMPs that will be utilized to eliminate potential impacts to legally protected state or federally listed threatened or endangered species and/or critical habitat. Said BMPs shall also be included on the EPSC plan; or,
 - (b) a finding of no potential impact as a result of the proposed land-disturbing activity.

SECTION 10. Conformity and amendments to approved plans.

- (1) The approved EPSC or sketch plan, upon which subsequent permits may be issued by the City of Maryville, shall be adhered to during all grading and construction activities. Under no circumstance is the owner or operator allowed to deviate from the approved EPSC or sketch plan without prior approval of a plan amendment by the director.
- (2) The director shall require the grading permit holder to take corrective actions, which may include amendment of an approved EPSC or sketch plan, if it is determined that the approved plan does not adequately protect against erosion, off-site sediment deposition or discharges of other construction related wastes despite the adherence of the owner or operator with approved protective practices.
- (3) The owner or operator is required to resubmit an EPSC or sketch plan for approval by the director if site plans or conditions change during land-disturbing activities.
- (4) Plan amendments must comply with this chapter and the grading policy manual.

SECTION 11. Pre-construction inspection and meeting.

- (1) For all land-disturbing activities greater than one-tenth (0.1) of an acre, a grading permit shall be issued only after a pre-construction inspection by the director indicates that perimeter EPSC BMPs have been installed in accordance with the approved plan.
- (2) Attendance at a pre-construction meeting with the director prior to issuance of a grading permit is required for owners and operators of developments or redevelopments that are:
 - (a) new residential subdivisions; or
 - (b) a priority construction activity, as defined in this chapter.
- (3) Owners and operators of land-disturbing activities not listed in section 11 part 2 of this chapter may be required to attend a pre-construction meeting when coordination with adjacent construction activities is needed or when conditions indicate a higher than normal risk for pollutant discharges.

SECTION 12. Grading permits - time limitations, phasing and conditions.

- (1) Grading permits shall expire one (1) year from the date of permit issuance and must be renewed by the applicant. Without renewal, the grading permit will become null and void. Resubmittal and approval of an EPSC or sketch plan may be required at the time of renewal.
- (2) If a tract is to be developed in phases, then a separate grading permit may be required for each phase.
- (3) The issuance of a grading permit does not authorize the discharge of hazardous substances or oil resulting from a spill that occurs on the site of the land-disturbing activity.

SECTION 13. Documentation kept at the project site. Owners or operators of land-disturbing activities subject to the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities shall keep the documentation listed below at the site of the land-disturbing activity from the date that the grading permit is approved to the date of termination of their coverage under said State permit, as identified on the Notice of Termination (NOT). Owners or operators with day-to-day operational control over implementation of the EPSC plan shall have a copy of the plan available at a central location on-site for the use of all operators and those identified as having responsibilities under the plan whenever they are on the site of the land-disturbing activity:

- (1) a copy of the approved EPSC plan (1985 Code, § 4-912, as replaced by Ord. #2005-27, July 2005);
- (2) documentation of inspection of the EPSC BMPs located on the site of the land-disturbing activity, prepared in accordance with the inspection documentation requirements of effective State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities;
- (3) any other records required by the effective Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.

SECTION 14. Inspections. The owner or operator, or his/her designee, shall perform regular, documented inspections of the land-disturbing activity in accordance with the inspection requirements of the effective Tennessee NPDES Permit for Discharges of Stormwater Associated with Construction Activities, this chapter and the grading policy manual.

SECTION 15. Surety requirements.

- (1) When reviewing any application for a grading permit, the city may require the permit applicant to post a performance bond which guarantees satisfactory completion of construction work prior to issuing the grading permit if:
 - (a) the applicant has had three (3) or more grading permit violations within the three (3) years prior to the date of filing of the application; or,
 - (b) in the judgment of the director, the land-disturbing activity has the potential for significant impacts to waterbodies, and public or adjacent properties, especially properties and facilities critical to public health and safety.
- (2) Performance bonds shall name the City of Maryville as beneficiary and shall be guaranteed in the form of a surety bond or letter of credit from an approved financial institution or insurance carrier. A performance bond must be provided for the following conditions:

- (a) Rough grading, site development, large residential developments, or commercial development when there is a disturbed area greater than five (5) acres.
 - (b) Where there exists a substantial likelihood for runoff or sediment problems to adversely impact city right-of-ways, other property, or waters of the state.
 - (c) When a site drains into sinkholes or when the site is used for a borrow pit or waste area.
- (3) Any bond amount shall be based on a remediation and completion estimate as determined by the director based on the size of the disturbed area.
 - (4) The director may refuse brokers or financial institutions the right to provide surety bonds, letter of credit, etc. based upon past performance, ratings or the financial institution, or other appropriate sources of reference information.
 - (5) Upon forfeiture, the city at its election may use the performance bond proceeds or any part thereof to hire a contractor to stabilize and place erosion control measures on the site of the land-disturbing activity.
 - (6) Within sixty (60) days of the final inspection, the balance of all bonds not extended or obligated shall be released or terminated except as otherwise provided therein. (1985 Code, § 4-914, as replaced by Ord. #2005-27, July 2005).
 - (7) Performance bond is released upon receiving NOT from the Tennessee Department of Environment and Conservation (TDEC) along with site visit and release approval by the director.

SECTION 16. Fees. The city council at its discretion may set fees for obtaining a grading permit. Such fee schedule may be established by city ordinance.

All development activities which require right-of-way cuts or excavation within the development site and shown on a site plan shall be subject to all applicable fees. Grading activities which involve no construction or right-of-way cuts shall be subject to the grading permit fee schedule only.

After the city completes three (3) documented final land disturbance inspections requested by the permit holder for the same permit, a fee of fifty (\$50.00) shall be required for each additional inspection request of the same land disturbance permit. (As added by Ord. #2007-27, July 2005)

SECTION 17. General criteria. The following general criteria are minimum requirements for the control of pollutants from land-disturbing activities. All EPSC BMPs shall conform to the requirements of this chapter. The application of BMPs shall apply to all features of the site including street, utility installations, drainage facilities and other temporary and permanent improvements. BMPs shall be installed to prevent or control erosion and pollution caused by sediment and other construction related wastes during all stages of any land-disturbing activity.

- (1) Requirements for BMPs. Owners and operators of land-disturbing activities shall implement appropriate EPSC BMPs in accordance with the effective State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities and the Tennessee Erosion and Sediment Control Handbook, latest edition.
- (2) Technical design criteria. The design of EPSC BMPs shall be performed in accordance with criteria and requirements stated in the effective State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities and the Tennessee Erosion and Sediment Control Handbook, latest edition, except where more stringent criteria are required by the director.
- (3) Control measure construction and maintenance standards. The installation, inspection and maintenance of EPSC BMPs shall be performed in accordance with the standards provided in the effective State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities and the Tennessee Sediment and Erosion Control Handbook, latest edition, except where more stringent standards are required by the director. If periodic inspections or other information indicate that a control measure has been used inappropriately, or incorrectly, the owner or operator must replace or modify the control for relevant site situations.
- (4) Priority construction activities. Priority construction activities shall adhere to requirements for discharges into waters with unavailable parameters or Exceptional Tennessee Waters defined in the

effective State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.

- (5) More stringent criteria or standards. The director may require more stringent criteria and standards where deemed necessary to reduce the potential for pollution impacts to streams, public property or adjacent property from sediment-laden stormwater runoff or discharges of other construction related wastes.
- (6) Control of other construction related wastes. Owners and operators of land-disturbing activities shall control other construction related wastes, as defined in this chapter, in accordance with the effective, State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are required by the director. The discharge of such wastes in the stormwater discharges from a land-disturbing activity shall be prevented or minimized in accordance with the EPSC or sketch plan for the site of the activity.
- (7) Installation of controls before grading begins. ESPC measures and practices for the control of other construction related wastes shall be in place and functional before earth moving operations begin and must be constructed and maintained throughout land-disturbing activities. Temporary controls and measures may be removed at the beginning of the workday but must be replaced at the end of the workday.
- (8) Establishment of permanent vegetation. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved in accordance with the final stabilization requirements of the effective State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities and if the vegetation is, in the opinion of the director, mature enough to control soil erosion satisfactorily and to survive seasonal weather conditions. If it is determined by the director that the vegetation will not withstand seasonal weather conditions, the release of unobligated monies or bonds shall be determined by city council and may be reasonably delayed.
- (9) Protection of adjacent properties. Sediment controls shall be designed to retain mobilized sediment on the site of the land-disturbing activity. Properties adjacent to the site of a land-disturbance activity shall be protected from sediment deposition. If sediment escapes the construction site, off-site accumulations of sediment that have not reached a stream must be removed at a frequency sufficient to minimize offsite impacts or in accordance with the effective State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, whichever is more stringent. (For example, fugitive sediment that has escaped the construction site and has collected in a street must be removed so that it is not subsequently washed into storm sewers and streams by the next rain and/or so that it does not pose a safety hazard to users of public streets). Owners or operators shall not initiate remediation/restoration of a stream without first receiving approval from the City of Maryville and TDEC. Approval for remediation/restoration efforts from the City of Maryville does not authorize access to private property. Arrangements concerning removal of sediment on adjoining property must be settled by the owner or operator with the adjoining landowner.
- (10) Timing and stabilization of sediment trapping measures. Sediment basins and traps, perimeter dikes, and other measures intended to trap sediment on-site must be constructed as a first step in grading and be made functional before upslope land disturbance takes place. Earthen structures such as dams, dikes, and diversions must be stabilized immediately but no later than seven (7) days of construction or in accordance with the effective State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, whichever is more stringent. These measures must be maintained in good working order and must remain in place until such time as the director deems the area to be stabilized or in accordance with the effective State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, whichever is more stringent.
- (11) Sediment basins. Temporary sediment basins shall be designed in accordance with the effective State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are required by the director. Any equivalent control measure that is substituted for a temporary sediment basin must be justified and approved by the director.

Permanent detention ponds that will be used as sediment basins during construction shall be designed so that the permanent detention pond outlet structure serves as the outlet structure of the sediment basin. All permanent detention ponds used as sediment basins shall be cleaned of loose sediments, re-graded to ensure design capacity, and stabilized prior to conversion. Converted detention ponds must be approved by the director prior to release of bond. In addition, sod shall be used as the stabilization method on sediment basins that must remain in place for an indefinite period of time, such as during residential subdivision development. Sod shall be installed from the permanent pool elevation to the top of the berm. Stabilization measures other than sod may be approved by the director.

- (12) Sodding detention ponds, ditches and draining swales. Sod shall be used on detention ponds, ditches, and drainage swales. Stabilization methods other than sod may be approved by the director. The owner or operator shall maintain sodded areas until vegetation is permanently established.
- (13) Cut and fill slopes. Cut and fill slopes must be designed and constructed in a manner which will prevent erosion. Consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. Slopes which are found to be eroding excessively within one year of project completion must be provided with additional slope stabilizing measures until the problem is corrected.
The following guidelines shall be utilized to prepare and implement an adequate design for cut and fill slopes:
 - (a) Topsoil for the area should be stockpiled and then used for replacement on the graded area.
 - (b) Roughened soil surfaces are generally preferred to smooth surfaces on slopes.
 - (c) Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.
 - (d) Concentrated stormwater should not be allowed to flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume, or slope drain structure.
 - (e) Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.
 - (f) Slopes 3:1 or greater shall be stabilized with erosion control matting or other method(s) approved by the director. The owner or operator shall maintain matted areas until permanent vegetation is established.
- (14) Working in or crossing watercourses. Construction vehicles shall be kept out of watercourses. The channel (including bed and banks) must always be re-stabilized immediately after in-channel work is completed. Where a watercourse must be crossed by construction vehicles regularly during construction, a temporary stream crossing must be provided, the design of which must be approved by the director and the State of Tennessee where appropriate.
- (15) Underground utility construction. The construction of underground utility lines shall be subject to the following criteria:
 - (a) Where consistent with safety and space considerations, excavated material shall be placed on the uphill side of trenches.
 - (b) Trench dewatering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems, or off-site property.
- (16) Temporary stone construction exit. Wherever construction access routes intersect paved public roads, provisions must be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surface by installation of a temporary stone construction exit in accordance with the Tennessee Erosion and Sediment Control Handbook, latest edition. The temporary construction exit shall be maintained for the duration of the project or until a permanent access drive is constructed. The stone layer shall be replaced or overlain with new stone when necessary to ensure that sediment is not transported off the site of the land-disturbing activity. Where sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day or more often if deemed necessary. Sediment shall be removed from roads by shoveling or sweeping and be transported to a

sediment-controlled disposal area. Street washing shall be allowed only after sediment is removed in this manner.

- (17) Disposition of temporary measures. All temporary EPSC BMPs shall be disposed of within 30 days after final site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized by the director. Trapped sediment and other disturbed soft areas resulting from the disposition of temporary measures shall be properly disposed of and/or permanently stabilized to prevent further erosion and off-site sediment deposition.
- (18) Stripping, clearing and grading to be minimized. Stripping of vegetation, re-grading, and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to the minimum necessary. Pre-construction vegetative cover shall not be destroyed, removed, or disturbed more than fourteen (14) calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface areas.

SECTION 18. Variances. The director 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 EPSC plan. The applicant must explain the reasons for requesting variances in writing. Specific variances which are allowed must be documented on the approved EPSC plan.
- (2) During construction, a permit holder may request variances to the approved EPSC plan. Until such time as the amended plan is approved by the city, the land-disturbing activity shall not proceed, except in accordance with the EPSC plan as originally approved.
- (3) Absent universal circumstances, a response to the variance request should be given by the city within twenty (20) working days. Without a written approval, no variance shall be considered valid. (As added by Ord. #2005-27, July 2005)

SECTION 19. Right of entry. The director may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system; 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.

SECTION 20. Unlawful acts. The following are unlawful acts, any person who may:

- (1) Violate any provision of this article;
 - (2) Violate the provisions of any permit issued pursuant to this article;
 - (3) Fail or refuse to comply with any lawful notice to abate issued by the director, which has not been timely appealed to city council, within the time specified by such notice; or
 - (4) Violate any lawful order of the city 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. #2005-27, July 2005)

SECTION 21. Penalties and Enforcement.

- (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 shall follow the provisions of the chart set forth herein and for any violation not listed may consider the following in determining the appropriate amount:
 - 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, the city may recover all damages proximately caused by the violator to the city which may include any reasonable expenses and attorney's 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. 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.
- (6) The remedies set forth in this section shall be cumulative, not exclusive, and are 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.
- (7) If the director finds any person, firm, or entity has engaged in or directed land-disturbing activities without having obtained a required grading permit from the City of Maryville, the following shall occur:
- (a) First offense - A stop work order and a notice of violation will be issued.
 - (b) If work continues - Assessment of civil penalties in the minimum amount of \$50.00 and a maximum amount of \$5,000.00 for each day work continues without a grading permit.
 - (c) The permit fees will automatically double.
- (8) If the director finds any person, firm, or entity has engaged in or directed land-disturbing activities that is subject to the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities without having obtained the required NPDES permit, the following shall occur:
- (a) First offense - A stop work order and a notice of violation will be issued. TDEC will be notified of the violation. The owner/operator will be required to obtain a grading permit per section 6 part (3) of this chapter. The stop work order will not be rescinded until the required NPDES and grading permits are obtained.
 - (b) If work continues - Assessment of civil penalties in the minimum amount of \$500.00 and a maximum amount of \$5,000.00 for each day work continues without the required permits.
 - (c) The permit fees will automatically double.
- (9) Enforcement and penalties for all other violations of this chapter shall occur in the following manner:
- (a) First offense - Written warning with a maximum of two (2) days for compliance. If conditions warrant in the judgment of the director, a stop work order will be immediately issued.
 - (b) Second offense - Notice of violation, stop work order, suspension of all city inspections until violation is corrected.
 - (c) Third offense – Notice of violation, stop work order, suspension of all city inspections until the violation is corrected, TDEC notification and the imposition of a civil penalty in accordance with the following:

Violation	Max. Penalty	Min. Penalty
Failure to obtain grading permit coverage	\$5,000	\$2,500
Notice of Coverage and grading permit not posted on site	\$5,000	\$500

No SWPPP and/or EPSC Plan on site	\$5,000	\$1,000
EPSC Plan incomplete or not kept current with site conditions and BMPs	\$5,000	\$500
Failure to resubmit EPSC Plan for approval (after direction to do so by the director)	\$5,000	\$500
EPSC BMPs not constructed in accordance with approved plan	\$5,000	\$1,000
EPSC BMPs not properly maintained	\$5,000	\$1,000
Disturbance more than that allowed by the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities at one time	\$5,000	\$1,000
Failure to designate and maintain buffer zone (where applicable)	\$5,000	\$1,000
Failure to have certified inspector	\$5,000	\$500
Failure to retain sediment on site	\$5,000	\$1,000
Pollutant (sediment or other construction related waste) discharge into waters of the State	\$5,000	\$2,500
Violating any other term or condition of this chapter and/or a stormwater NPDES permit	\$5,000	\$500

- (d) An additional penalty of \$500.00 shall be added to the schedule of penalties, up to a maximum of \$5,000.00, for any person or entity that has more than three related offenses or has a documented history of three or more offenses at multiple development or redevelopment sites in the City of Maryville.
- (10) 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 permit granted may also be suspended.
- (11) 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 City of Maryville has released the stop work order after inspection of the site indicates conformance. 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.
- (2) Any person or entity who receives three (3) related written notices of violations shall be required to retake or, in the case of an entity, to have its management retake the Level I Fundamentals of Erosion Prevention and Sediment Control Workshop sponsored by the TDEC or approved equal. If after completing the course again, the same person or entity receives a subsequent written environmental

violation within three (3) years of completing the course, requests for other city grading permits will be denied to that person. The person may appeal within thirty (30) days of the denial by requesting a hearing by City Manager or his designee to attempt to obtain the desired permits. (1985 Code, § 4-913, as replaced by Ord. #2005-27, July 2005)

SECTION 22. Notice of violation. Whenever the director determines that a violation of any provision of this chapter has occurred, or that a land-disturbing activity is being performed without a required plan or permit, or that the land-disturbing activity does not comply with an approved plan or permit, the director 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.

SECTION 23. Appeals. Appeal or review of a civil penalty or damage assessment under this section shall 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 director'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 upon by both parties. Ten (10) days prior, notice of the time, date and location of said hearing shall be published in The Daily Times or its equivalent local paper. Ten (10) days' notice shall be provided to the aggrieved party at the address provided at the time of the appeal.

SECTION 24. 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.



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

3. CONSIDERATION OF AN ORDINANCE ON SECOND READING TO REPEAL TITLE 19, CHAPTER 5, VEGETATED BUFFER ZONE AND STORMWATER QUALITY MANAGEMENT ORDINANCE OF THE CITY OF MARYVILLE MUNICIPAL CODE AND REPLACE THE SAME WITH A NEW TITLE 19, CHAPTER 5, VEGETATED BUFFER ZONE AND STORMWATER QUALITY MANAGEMENT ORDINANCE.

A) Introduction: Ordinance #2024-19 requires re-adoption to enable it to be codified into the Maryville Municipal Code. The ordinance was originally passed on first reading at the August 6, 2024, Council meeting and second reading at the September 3, 2024, Council meeting. An ordinance adopting and enacting a comprehensive codification and revision of the ordinances of the City of Maryville (Ord. #2024-20) was passed during these same Council meetings. Because of the order these items were placed on the agendas, the stormwater ordinances were passed just prior to the recodification ordinance. As a result, the stormwater ordinances need to be passed again to add them to the Municipal Code. No changes have been made to the stormwater ordinances since their adoption in 2024 and they are identical to those previously reviewed and approved by Council.

B) Financial Impact of Action: None.

C) Impact of Action on Other Departments/Agencies: None.

D) Proposed Action: Pass on second reading.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL TITLE 19, CHAPTER 5, VEGETATED BUFFER ZONE AND STORMWATER QUALITY MANAGEMENT ORDINANCE OF THE CITY OF MARYVILLE MUNICIPAL CODE AND REPLACE THE SAME WITH A NEW TITLE 19, CHAPTER 5, VEGETATED BUFFER ZONE AND STORMWATER QUALITY MANAGEMENT ORDINANCE

WHEREAS, the City of Maryville previously adopted a Vegetated Buffer Zone and Stormwater Quality Management Ordinance; and,

WHEREAS, such Vegetated Buffer Zone and Stormwater Quality Management Ordinance is set forth in Title 19, Chapter 5 of the Maryville Municipal Code: and,

WHEREAS, the City wishes to revise the ordinance to bring it into compliance with the requirements of the State of Tennessee’s NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows:

SECTION 1. That Title 19, Chapter 5, Vegetated Buffer Zone and Stormwater Quality Management Ordinance of the City of Maryville Municipal Code be deleted in its entirety and replaced with a new Title 19, Chapter 5, Vegetated Buffer Zone and Stormwater Quality Management Ordinance of the City of Maryville Municipal Code attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. That the provisions of this ordinance shall take effect immediately upon final passage, the public welfare requiring it.

ADOPTED this _____ day of _____, 2026.

Mayor

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Passed 1st reading on this _____ day of _____, 2026 _____
City Recorder

Passed 2nd reading on this _____ day of _____, 2026 _____
City Recorder

EXHIBIT A

VEGETATED BUFFER ZONE AND STORMWATER QUALITY MANAGEMENT ORDINANCE

SECTION 1: Purpose. The purpose of the Vegetated Buffers and Stormwater Quality Management 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; and
- (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.

SECTION 2. 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. (1985 Code, § 4-902, as replaced by Ord. #2005-27, July 2005)

SECTION 3. 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 stormwater control measures.
- (3) “Best Management Practices (BMP or BMPs).” Schedules of activities, prohibitions of practices, maintenance procedures, stormwater control measures, 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.
- (4) “Buffer Enhancement Plan.” A plan required by the City of Maryville for any alteration to a Water Quality Buffer.
- (5) “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.
- (6) “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.
- (7) “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.
- (8) “Developer.” The person, firm or corporation, either public and private, engaged in the development of land, as defined below.

- (9) “Development.” A development includes any of the following activities:
- (a) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - i. One 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 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.
- (10) “City Council.” The governing body of the City of Maryville and the body that has the authority to hear appeals concerning decisions made by the director regarding the interpretation of the meaning of this code.
- (11) “Director.” The Director of Engineering and Public Works for the City of Maryville, Tennessee, or their designee.
- (12) “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.
- (13) “EPSC.” Acronym for erosion prevention and sediment control.
- (14) “Grading Permit.” A permit issued to authorize land-disturbing activities 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) “NPDES.” National Pollutant Discharge Elimination System.
- (19) “Operator.” In the context of construction activity, operator means any person associated with a development that meets either of the following two criteria:
- (a) this person has operational control over development 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.
- (20) “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.
- (21) “Person.” Any individual, firm, corporation, partnership, association, organization, or entity, including governmental entities, or any combination thereof.
- (22) “Project.” The entire proposed development regardless of the size of the area of land to be disturbed.
- (23) “Redevelopment.” The improvement of a lot or lots that have been previously developed.
- (24) “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.
- (25) “Sedimentation.” The action or process of forming or depositing sediment.
- (26) “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.

- (27) “Stormwater Control Measure (SCM or SCMs)”. Non-structural land development design strategies and structural stormwater facilities intended to prevent or reduce the discharge of pollution in, and/or regulate the volume or peak discharge of, stormwater runoff from a property. SCMs may include structural devices, such as stormwater ponds, detention ponds, and bioretention areas, and non-structural practices such as water quality buffers and natural open spaces.
- (28) “Stormwater Management Manual (or manual)” Documents prepared and maintained by the City of Maryville that contain policies, technical criteria, tools and guidelines and other supporting documentation for implementation of the provisions of this ordinance. When used in this ordinance, “manual” shall denote the latest version of the documents comprising the Stormwater Management Manual, as amended.
- (29) “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 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).
- (30) “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.
- (31) “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.
- (32) “Variance.” A grant of relief from the requirements of this article, that permits construction or activities in a manner otherwise prohibited by this article, where specified enforcement would result in unnecessary hardship.
- (33) “Water Quality Buffer.” A use-restricted, vegetated area that borders waters of the State located within the City of Maryville, containing vegetation and grasses, and exists or is established to protect the physical and ecological integrity of the buffered waterbody, reduce the potential for flooding, provide tree canopy and stabilize the banks of the buffered waterbody, and filter runoff from developed areas..
- (34) “Water Quality Management Plan (WQMP).” An engineering plan for the location and/or design of SCMs and BMPs within a proposed development or redevelopment. A WQMP includes a map showing the extent of the land development activity and location and design calculations for SCMs, BMPs, water quality buffers, and water quality volume reduction areas, and, when applicable, includes as-built drawings.
- (35) “Water Quality Volume Reduction.” A decrease in the water quality volume for one or more areas of a proposed development that 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 in the manual, are met.
- (36) “Water Quality Volume Reduction Areas.” Areas within the proposed development or redevelopment for which a water quality volume reduction can be obtained.
- (37) “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.
- (38) “Waters with unavailable parameters.” Any segment of surface waters that have been identified by the Tennessee Department of Environment and Conservation (TDEC) as failing to support one or more classified uses.
- (39) “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. (1985 Code, § 4-903, as replaced by Ord. #2005-27, July 2005)

- (40) "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 USACE, and/or the TDEC, and/or the Natural Resources Conservation Service (NRCS), or a qualified professional that has been trained in the identification and delineation of wetland areas.

SECTION 4. Authority.

- (1) The Director of Engineering and Public Works and the staff under the director's supervision shall administer the provisions of this ordinance.
- (2) The director 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 Stormwater Management Manual (or manual). The policies, criteria, and requirements stated in the manual shall be enforceable, consistent with other provisions of this ordinance.
- (3) In the event that the director 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 director 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 ordinance shall be implemented.

SECTION 5. Requirement for 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 Title 19, Chapter 2, of the City of Maryville Municipal Code.
- (2) Any development or redevelopment that will result in a land-disturbing activity that is equal to or greater than one (1) acre, or less than one acre if part of a larger common plan of development, shall submit a WQMP as part of the EPSC plan or detailed plans. The WQMP shall be prepared in accordance with this chapter, the manual, and the Maryville Land Development and Public Works Standards.
- (3) No grading or building permit shall be issued until a WQMP has been approved by the director.
- (4) Developments and redevelopments of any size that received approval of detail plans prior to the effective date of this chapter or developments and 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.

SECTION 6. General requirements.

- (1) The WQMP shall include all the required elements that are listed and/or described in the manual. The director 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.
- (2) The WQMP shall be subject to any additional requirements set forth in the minimum subdivision regulations, zoning ordinance, 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.

- (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 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 or wetlands should be approved through the appropriate lead regulatory agency prior to approval of the WQMP by the director.
- (8) SCMs, 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, unless otherwise specified in the manual. 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.
- (9) 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 has determined through stormwater master plans, engineering studies, a history of existing or documented water quality problems, or engineering judgment that additional restrictions are needed to limit adverse impacts of the proposed development or redevelopment on water quality or channel protection. Areas subject to additional requirements may also include land uses that are considered pollutant hotspots.
- (10) The director may waive or modify the requirements of this chapter if adequate water quality treatment and channel protection are suitably provided by a downstream or shared off-site SCM, or if engineering studies determine that installing the required SCM(s) would actually cause adverse impact to water quality or cause channel erosion or downstream flooding.

SECTION 7. Water quality treatment requirements. Treatment of stormwater runoff shall be provided in accordance with the following requirements at developments and redevelopments for which a WQMP is required:

- (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 quality treatment standard and criteria provided in the manual.
- (2) The treatment of stormwater runoff shall be achieved through the use of one or more SCMs or BMPs that are designed and constructed in accordance with the design criteria, guidance and specifications provided in the manual.
- (3) Methods, designs, or technologies for SCMs or BMPs that are not specified in the manual may be submitted for approval by the director if it is proven that such methods, designs or technologies will meet or exceed the stormwater treatment standards set forth in the manual and this chapter. Certification of the pollutant removal efficiency of an SCM or BMP by an independent agency identified in the manual may be required.
- (4) SCMs and BMPs shall not be installed within the public right-of-way without prior approval of the director.

SECTION 8. Channel protection requirements. Downstream channel protection shall be provided as set forth in the manual at developments and redevelopments for which a WQMP is required.

SECTION 9. Requirement for a Special Pollutant Abatement Plan (SPAP).

- (1) A Special Pollution Abatement Plan may 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 400 parking spaces or 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 from 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.
- (2) When required, the SPAP shall be submitted with the WQMP in accordance with the City of Maryville Policy Manual for Stormwater Quality Management.

SECTION 10. General requirements for water quality buffers.

- (1) A water quality buffer shall be established, protected, and maintained as set forth in the manual along all streams, wetlands, ponds, and lakes, or portions thereof located in the City of Maryville for the following properties:
- a. Developments and redevelopments for which a WQMP is required;
 - b. Any property or portion thereof that includes a platted water quality buffer.
- (2) 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.
- (3) The director may require any owner of a water quality buffer to remove and/or install vegetation if the buffer does not conform and is unlikely to conform in the future through growth of existing vegetation, to the vegetation standards established in the manual.
- a. When required for new developments and redevelopments, vegetation removal and/or installation shall be described in a buffer enhancement plan provided to the director for approval with the WQMP.
 - b. One (1) year after completion of the vegetation removal and/or installation activity, the portion of the performance bond related to the buffer can be released provided the buffer has been enhanced as required, that soils within the buffer are stable and not eroding, and that buffer vegetation is healthy and growing as expected.

SECTION 11. 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 not included in an approved WQMP, and discharges of sediment and other construction-related wastes during land-disturbing 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 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 prior to approval of a grading permit.
- (4) Water quality buffers cannot be encroached upon or disturbed during land-disturbing activities, 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.

SECTION 12. Protection of water quality buffers after construction.

- (1) Once construction has ceased on a project, water quality buffers must be protected in accordance with the recorded plat.

- (2) The owner shall have the responsibility for the protection and maintenance of the water quality buffers located on their property, including protection from the prohibitions established in section 13 of this chapter.
- (3) 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.
- (4) Permanent boundary markers, in the form of signage approved or provided by the director may be required prior to recording of the final plat, and the issuance of a Certificate of Occupancy. The director has the authority to require replacement of permanent boundary markers that are damaged or have been removed or destroyed.

SECTION 13. Prohibitions in water quality buffers.

- (1) The following activities, materials, substances, facilities, and land uses are prohibited in a platted 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 including structures, buildings, storage facilities, parking lots, driveways, pools, patios, and other accessories that are not included in an approved WQMP;
 - c. parking, storage, or maintenance of vehicles and equipment;
 - d. wastes of any type, and waste areas or receptacles for disposal, storage, and transfer, and landfills;
 - e. septic tanks and septic drain fields;
 - f. mining activities, borrow or fill pits, or similar areas and activities, unless prior approval is granted by the director;
 - g. animal concentration areas, where animals gather in groups for migration, breeding, feeding, exercise, loafing, relief, or sheltering, including but not limited to kennels, pens, barns, holding areas, and animal lots;
 - h. SCMs and BMPs, except as allowed by the manual; and,
 - i. other activities, materials, substances, or uses that are known to contribute pollutants to waterways.

SECTION 14. 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.

SECTION 15. Conflicts with state requirements for buffer areas.

The State of Tennessee may require water quality buffers during construction activities via provisions contained in the State of Tennessee General NPDES Permit for Discharge of Stormwater Associated with Construction Activities 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 City of Maryville buffer requirements differ, the more stringent requirement shall apply.

SECTION 16. 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 or letter of credit from an approved financial institution or insurance carrier. The surety bond or letter of credit shall be provided in a form and in an amount to be determined by the director. The actual amount shall be based on submission of plans and estimated construction, installation, or potential maintenance and/or remediation expenses.
- (3) The director may refuse brokers or financial institutions the right to provide a surety bond or letter of credit based on past performance, ratings of the financial institution, or other appropriate sources of reference information.

SECTION 17. 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 TDEC to the director no later than sixty (60) calendar days after issuance of the permit.

SECTION 18. As-Built Drawings.

- (1) Prior to the release of a bond, as-built drawings shall be provided to and approved by the director. The as-built drawings shall certify that all SCMs, BMPs, water quality volume reduction areas, and water quality buffers comply with the design shown on the approved WQMP(s) and will operate as intended by their approved design.
- (2) As-built drawings shall include all required elements as set forth in the manual.
- (3) The as-built drawings shall be stamped by the appropriate design professional required to stamp the WQMP, as stated in section 6 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.
- (4) The director shall rely on the as-built drawings and related onsite inspections to determine construction conformance with the approved WQMP. Where conformance has not been achieved, corrective actions may be mandated in accordance with section 21 of this chapter and as follows.
 - a. Revision and resubmittal of WQMP(s) or as-built drawings or portions thereof may be required to prove the nonconforming features meet the requirements of this chapter and the manual, as constructed; or
 - b. Reconstruction/modification of the nonconforming features on the property may be required to meet the approved WQMP or requirements of this chapter and the manual.
- (5) Once approved, the property owner shall record the locations and extents of SCMs, water quality buffers, and water quality reduction areas, and the easements associated with each of these features on a plat that is recorded with the Blount County Register of Deeds.

SECTION 19. Right of entry.

- (1) The director 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 SCMs, BMPs, water quality volume reduction areas, and water quality buffers 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 onto a property for the purposes set forth in sub-section (1) above shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy, and/or civil penalties, and/or damage assessments in accordance with sections 28-30 of this chapter.

SECTION 20. Inspection and maintenance.

- (1) The owner(s) of SCMs, BMPs, water quality buffers, and/or water quality volume reduction areas or their designee shall at regular and appropriate frequencies inspect and properly operate and maintain such features in such manner as to sustain their full and intended function as documented on the approved as-built drawings, or in approved WQMPs or detailed plans if as-built drawings are not available. Inspection and maintenance of privately-owned SCMs, 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 manual. Prevailing maintenance practices shall be used where the manual does not address onsite conditions. The director may 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 five (5) years and shall be made available for review by the director upon request.
- (4) The removal of sediment and other debris from BMPs shall be performed in accordance with all city, state and federal laws. The director may stipulate additional guidelines if deemed necessary for public safety.
- (5) This chapter does not authorize access to neighboring private property by the owner of SCMs, 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.

SECTION 21. Corrective actions.

The director may order the property owner or his/her designee to perform corrective actions to SCMs, BMPs, water quality buffers, 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 director 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 is authorized to file a lien for said costs against the property and to enforce the lien by judicial foreclosure proceedings.

SECTION 22. Feature integrity.

Any alteration, improvement, or disturbance to SCMs, 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. This does not include alterations or repairs that must be made in order to maintain the full and intended function of the SCMs, BMPs, water quality buffers, or water quality volume reduction areas.

SECTION 23. 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 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.

SECTION 24. 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.

SECTION 25. Enforcement during construction.

- (1) The requirements of this chapter shall be enforced by the director who shall inspect all the work, grading or construction involved. Failure to properly install or maintain SCMs, BMPs, water quality buffers, 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 section 21 of this chapter.
 - (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 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.

SECTION 26. Enforcement after construction.

The requirements of this chapter shall be enforced by the director who shall inspect the SCMs, BMPs, water quality buffers and water quality volume reduction areas at regular and appropriate intervals. Failure of the owner(s) to properly maintain said features 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 section 21 of this chapter. 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.

SECTION 27. Variances. The director 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.

SECTION 28. Unlawful acts.

Any person who:

- (1) Violates any provision of this article;
- (2) Violates the provisions of any permit issued pursuant to this article;
- (3) Fails or refuses to comply with any lawful notice to abate issued by the director which has not been timely appealed to city council, within the time specified by such notice; or

(4) Violates any lawful order of the city 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. #2005-27, July 2005)

SECTION 29. 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 are 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.

SECTION 30. Notice of violation. Whenever the director determines that a violation of any provision of this chapter has occurred, they may issue a notice of violation to the property owner or operator. 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.

SECTION 31. Judicial proceedings and relief.

- (1) The city attorney may initiate proceedings seeking legal and/or equitable relief in any court of competent jurisdiction against any person who has or is making substantial steps towards:
 - (a) Violating the provisions of this article;
 - (b) Violating the provisions of any permit issued pursuant to this article;
 - (c) Failing or refusing to comply with any lawful order issued by the engineer which has not been timely appealed to city council within the time allowed by this article;
 - (d) Violating any lawful order of city council 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.

SECTION 32. Appeals. Appeal or review of a civil penalty or damage assessment under this section may be made to the city council 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 director'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 upon by both parties. Ten (10) days prior, notice of the time, date and location of said hearing shall be published in The Daily Times or its equivalent local paper. Ten (10) days' notice shall be provided to the aggrieved party at the address provided at the time of the appeal.

SECTION 33. 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.



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

4. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO ABANDON AN ALLEY LOCATED BETWEEN COLUMBUS STREET AND SOUTHWEST TERMINUS IDENTIFIED AS ALLEY #200

A) Introduction: Alan DeBusk is requesting abandonment of alley #200 located between Columbus Street and southwest terminus. City departments have reviewed the alley and recommended its abandonment.

This alley will not be split evenly because the owners of parcels 3.00 and 5.00 have signed a waiver allowing this non-50% division, which allows parcel 21.00 to have a 30 feet wide access to Columbus St. The owners of parcels 3.00 and 5.00 will get 7.5 feet conveyed to them. The remaining 32.5 feet will be conveyed to become part of parcel 21.00.

The Maryville Municipal Planning Commission recommended approval of the abandonment at their meeting on February 17, 2026, subject to recording a resubdivision plat, establishing a minimum 30 ft. wide strip of land as part of parcel 021.00 within the former alley right-of-way.

B) Financial Impact of Action: If abandoned, Quitclaim deeds will be prepared by the City attorney and filed with the Register of Deeds office. The Property Assessor's office will be notified so that the abandoned property will be placed on the tax rolls.

C) Impact of Action on Other Departments/Agencies: If abandoned, it will release the City from liability issues.

D) Proposed Action:

- First Reading

ORDINANCE NO. _____

AN ORDINANCE TO ABANDON AN ALLEY LOCATED BETWEEN COLUMBUS STREET AND THE SOUTHWEST TERMINUS AND DESIGNATED AS ALLEY #200.

WHEREAS, the City Council of the City of Maryville has determined that it is in the best interest of the City to abandon all unneeded alleys and rights-of-way within Maryville, Tennessee; and

WHEREAS, the Maryville Planning Commission has reviewed the proposed abandonment of an alley located between Columbus Street and the southwest terminus and identified as Alley #200 on the attached Exhibit; and

WHEREAS, the Planning Commission has determined that abandonment of the unneeded right-of-way will not be detrimental to the health, safety, and welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows:

SECTION 1. Alley #200 described herein and shown on the attached Exhibit is hereby abandoned by the City of Maryville. Said property is situated in Blount County, Tennessee, and being more particularly described as follows:

Beginning at a point, said point being the easternmost corner of Parcel 005.00 along the southwestern right-of-way line of Columbus Street, as shown on the Blount County Tax Map 47O Group F; thence in a southwesterly direction 247 feet, more or less, along the southeastern property lines of Parcels 003.00 and 005.00 to a point along the southeastern property line of Parcel 003.00; thence in a southeasterly direction 40 feet, more or less, along the southwestern right-of-way line of Alley #200 to a point, said point being the southernmost corner of Alley #200 right-of-way; thence in a northeasterly direction 247 feet, more or less, along the northwestern property lines of Parcels 021.00 and 022.00 to a point, said point being the northernmost corner of Parcel 022.00; thence in a northwesterly direction 40 feet, more or less, to the POINT OF BEGINNING.

SECTION 2. This ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this _____ day of _____, 2026.

Mayor

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Passed 1st reading on this _____ day of _____, 2026.

Passed 2nd reading on this _____ day of _____, 2026.

EXHIBIT

Proposed Alley Abandonment



0 25 50 100 US Feet



1/16/2026



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

5. CONSIDERATION OF A RESOLUTION TO ANNEX PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARYVILLE, TENNESSEE.

A) Introduction: Amber Barrentine, on behalf of the Alcoa-Maryville Church of God, has requested that the above property be annexed into the City limits. The property is 7.09 acres and is located at 2615 E. Lamar Alexander Parkway. The lot is currently developed with a church and zoned Suburbanizing in the County. The applicant indicated that the intent is to continue to use the property for the church and accessory uses.

If annexed, police, fire, sanitation, and all other City services would be extended to the property per the plan of services.

Staff has prepared an annexation report which details departmental comments and a financial analysis. If annexed, the property would be designated as Commercial on the Future Land Use Map and zoned Business & Transportation, as requested by the applicant.

The Maryville Municipal Planning Commission recommended approval of the annexation of the entire property at their meeting on February 17, 2026.

The proposed resolution consolidates the annexation and plan of services.

B) Financial Impact of Action: The annexation of the subject property, which is currently developed with a church, will not generate additional property and sales taxes for the City, but will provide additional revenue to the Stormwater Utility Fund.

C) Impact of Action on Other Departments/Agencies: Existing City services would be extended to the property per the plan of services.

D) Proposed Action: Approve first reading.

RESOLUTION NO. _____

A RESOLUTION TO ANNEX PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARYVILLE, TENNESSEE.

WHEREAS, *Tennessee Code Annotated* § 6-51-104 requires that a resolution be adopted by the municipal governing body to extend the corporate boundary; and,

WHEREAS, the applicant has filed a petition to annex property identified as parcel 031.00 on Blount County Tax Map 058D Group B; and,

WHEREAS, the affected property owners have given written consent for the annexation and thus no referendum is required to effectuate the annexation; and,

WHEREAS, the Maryville Municipal Planning Commission, on February 17, 2026, recommended that this amendment be approved by the Council of the City of Maryville; and

WHEREAS, a public hearing before this body was held on the 3rd day of March 2026, and notice thereof published in the Daily Times on February 10, 2026; and,

WHEREAS, the annexation of such territory is deemed desirable for the welfare of the residents and property owners of the said affected territory and this City as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, as follows:

SECTION 1. In accordance with *Tennessee Code Annotated* § 6-51-102 and 6-51-104, by request of the property owners, there is hereby annexed to the City of Maryville, Tennessee, and incorporated within the corporate boundaries thereof, the territory comprising parcel number 031.00 on Blount County Tax Map 058D Group B. The aforementioned property is now annexed in its entirety. This area is more clearly illustrated on the attached Exhibit that is made a part of this resolution.

SECTION 2. Pursuant to the provisions of T.C.A. § 6-51-102 and 6-51-104, there is hereby adopted, for the area bounded as described above, the following plan of services:

- a. Police: On the effective date of annexation, the Maryville Police Department will provide the services of police patrol coverage using present personnel and equipment.
- b. Fire: Fire protection by the present personnel and equipment of the fire fighting force will be provided on the effective date of annexation.
- c. Electric: Electric service is currently and will continue to be provided by the City of Maryville. If necessary, any improvements requiring electric that will demand an upgrade of electric facilities will be the responsibility of the developer. Street lighting along E. Lamar Alexander Pkwy. will also be provided.
- d. Water: Water service is available immediately to the property per the City's standard processes and fees. If extensions of service for future development are necessary, it will be at cost to the developer.
- e. Sewer: Sewer service is currently available to the property per the City's standard processes and fees. If extensions of service for future development are necessary, it will be at cost to the developer.

- f. Streets: No public streets are included with this annexation.
- g. Solid Waste: The same collection services now provided within the City will be extended to the annexed area upon the effective date of annexation.
- h. Schools: There is no impact on the schools due to the proposed Business & Transportation zoning.
- i. Inspections and Codes Enforcement: Building inspections will be provided immediately at the same level as existing City service. The same level of service for building-related services will be given to annexed properties as it does to existing City properties. The same monetary rate for building-related applications will apply to annexed properties as it does to existing City properties.
- j. Planning and Zoning: The planning and zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City planning jurisdiction and regulations will thereafter encompass the entirety of the annexed area. The annexation resolution shall be accompanied by ordinances to designate the future land use as Commercial and the zoning to Business & Transportation within the Parkway Overlay district.
- k. Engineering: Review of site plan submittals and/or traffic studies. Service provided as needed immediately upon annexation.
- l. Street Lighting: Street lighting is not anticipated for these parcels.
- m. Recreation: Recreation is not affected by this annexation.
- n. Stormwater: For any proposed developments – review of stormwater management plans and site inspections for compliance with federal, state and City of Maryville ordinances and policies. No known stormwater infrastructure for public dedication found. Upon annexation will be billed a monthly Stormwater Utility Fee of \$254.08, based on the existing impervious area of 152,054 sq. ft., which equates to 64 ERUs at the commercial rate of \$3.97 per ERU.
- o. Finance: The parcel in question is designated as Religious, which holds tax exemption status. As such, there would be no property tax revenue for this parcel.

SECTION 3. This resolution shall become effective upon the second reading and adoption of ordinances designating the annexed property on the City of Maryville’s Future Land Use and Zoning maps.

Adopted this _____ day of _____, 2026.

Mayor

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Exhibit:

Proposed Annexation





CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

6. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 AS COMMERCIAL.

A) Introduction: If City Council approves the annexation request for the subject property, it needs a designation on the Future Land Use Map (FLUM). The property is currently developed with a church.

Adjoining properties on three sides are in the City of Maryville and zoned Business & Transportation within the Parkway Overlay district. To the south is E. Lamar Alexander Parkway and commercial uses in the City, zoned Business & Transportation within the Parkway Overlay district. Property to the north is developed with City parkland and residential uses in the City, zoned Residential.

The applicant has requested the property be designated as Commercial on the FLUM, consistent with the Business & Transportation zoning and the Commercial designated land to the west and south on the FLUM.

The Maryville Municipal Planning Commission recommended approval of the requested FLUM designation as requested at their meeting on February 17, 2026.

B) Financial Impact of Action: None for the Future Land Use Map designation.

C) Impact of Action on Other Departments/Agencies: None for the Future Land Use Map designation.

D) Proposed Action: Approve first and second reading.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 058D, GROUP B PARCEL 031.00 AS COMMERCIAL.

WHEREAS, the property being parcel 031.00 on Blount County Tax Map 058D, Group B has been annexed into the City of Maryville at the owners' request; and

WHEREAS, the Council of the City of Maryville, Tennessee desires to amend the Future Land Use Map as identified in the City of Maryville Land Use Plan -2035; and

WHEREAS, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

WHEREAS, the change to the Future Land Use Map advances the public health, safety and welfare of the City of Maryville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows:

SECTION 1. That property comprising parcel number 031.00 on Blount County Tax Map 058D, Group B annexed into the corporate limits be designated as Commercial on the Future Land Use Map. Said property is shown on the attached Exhibit.

SECTION 2. That the provisions of this Ordinance shall be effective upon its final adoption, the public welfare requiring it.

ADOPTED this ____ day of _____, 2026.

Mayor

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Passed 1st reading on this ____ day of _____, 2026 _____
City Recorder

Passed 2nd reading on this ____ day of _____, 2026 _____
City Recorder

Exhibit:

Proposed Annexation





CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

7. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 AS BUSINESS & TRANSPORTATION WITHIN THE PARKWAY OVERLAY DISTRICT

A) Introduction: If City Council approves the annexation request for the subject property, it will need a designation on the City's official Zoning Map. The property is currently developed with a church.

The property is currently zoned Suburbanizing in Blount County. Adjoining properties on three sides are zoned Business & Transportation within the Parkway Overlay district in the City of Maryville. Property to the north is developed as City parkland and residential uses, zoned Business & Transportation and Residential in the City. To the south is E. Lamar Alexander Parkway and residential/commercial development, zoned Business & Transportation in the City.

The applicant has requested the Business & Transportation within the Parkway Overlay zoning designation.

The Maryville Municipal Planning Commission recommended approval of the Business and Transportation zoning district at their meeting on February 17, 2026.

B) Financial Impact of Action: None for the zoning designation.

C) Impact of Action on Other Departments/Agencies: None for the zoning designation.

D) Proposed Action: Approve first and second readings.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 058D GROUP B PARCEL 031.00 AS BUSINESS AND TRANSPORTATION WITHIN THE PARKWAY OVERLAY DISTRICT

WHEREAS, the Council of the City of Maryville, Tennessee desires to amend the Zoning Map of the City of Maryville, Tennessee to zone property recently annexed into the City; and

WHEREAS, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

WHEREAS, the rezoning advances the public health, safety and welfare of the City of Maryville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows:

SECTION 1. That property comprising parcel number 031.00 on Blount County Tax Map 058D, Group B recently annexed into the corporate limits be zoned Business and Transportation within the Parkway Overlay district. Said property is shown on the attached Exhibit.

SECTION 2. That the provisions of this Ordinance shall be effective upon its final adoption, the public welfare requiring it.

ADOPTED this _____ day of _____, 2026.

Mayor

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Passed 1st reading on this _____ day of _____, 2026 _____
City Recorder

Passed 2nd reading on this _____ day of _____, 2026 _____
City Recorder

Exhibit:

Proposed Annexation





CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

8. CONSIDERATION OF A RESOLUTION TO AUTHORIZE CREDITING ACCUMULATED SICK LEAVE AS CREDITABLE SERVICE WITH THE TENNESSEE CONSOLIDATED RETIREMENT SYSTEM IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED SECTION 8-34-604.

A) Introduction: TCA § 8-34-604 provides members of TCRS the option to certify accumulated sick leave as creditable service upon retirement. The City currently allows employees to accrue a maximum of 1200/1800 employee/firefighter hours. Instead of our current practice allowing employees to extend their retirement date by 1/2 of available hours up to 360/540 employee/firefighter or payment of a lump sum for the same amount of hours, the City wishes to adopt the TCRS Sick Leave Provision and allow the total amount of accumulated hours (up to 1200/1800 hours) to be converted to creditable service at the rate specified in TCA § 8-34-604(b). As an option, employees may also choose to be paid a lump sum up to 360/540 hours with the balance of the 1200/1800 hours being converted to creditable service at the rate specified in TCA § 8-34-604(b).

B) Financial Impact of Action: The balance for each retiree will be different and the annual cost will be calculated with the ADA rate. The amount is not expected to surpass the current cost of extending retirement, but it will be difficult to project until experience of the provision.

C) Impact of Action on Other Departments/Agencies:
Adoption should make retirement succession planning more straightforward with the elimination of the retirement date extension using sick leave accruals.

D) Proposed Action:
Consider passing the resolution to adopt the TCRS Sick Leave Provision.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE CREDITING ACCUMULATED SICK LEAVE AS CREDITABLE SERVICE IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED, SECTION 8-34-604.

WHEREAS, Tennessee Code Annotated, Section 8-34-604 provides that a member of the Tennessee Consolidated Retirement System who has accumulated sick leave to an extent not exceeding that sick leave provided under title 8, chapter 50, part 8, shall be credited with such accumulated sick leave as creditable service at the rate specified in Tennessee Code Annotated, Section 8-34-604(b); and

WHEREAS, the provisions of Tennessee Code Annotated, Section 8-34-604 do not apply to individuals who are members of the Retirement System by virtue of their employment with any employer participating in the Retirement System pursuant to Tennessee Code Annotated, Title 8, Chapter 35, Part 2 unless the governing body of any such employer passes a resolution authorizing and accepting the associated liability and costs to provide such benefits.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, as follows:

SECTION 1. Hereby authorizes employees to be credited with accumulated sick leave as creditable service in accordance with, and subject to the terms and conditions of, Tennessee Code Annotated, Section 8-34-604 and accepts the liability therefore; and

SECTION 2. That this resolution become effective on this ____ day of _____, 2026.

Mayor

Attest:

City Recorder

Approved as to form:

City Attorney



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

9. CONSIDERATION OF A RESOLUTION UPDATING THE CITY OF MARYVILLE PERSONNEL RULES AND PROCEDURES DATED JULY 2025.

A) Introduction: The City's Personnel Rules and Procedures provide policy and guidance to City Staff. Upon adoption of the Resolution to authorize crediting accumulated sick leave as creditable service in accordance with Tennessee Code Annotated, Section 8-34-604, the Personnel Rules and Procedures require updates to the related sections.

Attached is the redline version of the current document and proposed changes.

B) Financial Impact of Action:

C) Impact of Action on Other Departments/Agencies:

D) Proposed Action:

Consider passing the resolution to update the Rules and Procedures to reflect the changes related to crediting accumulated sick leave as creditable service.

RESOLUTION NO. _____

**A RESOLUTION UPDATING THE CITY OF MARYVILLE
PERSONNEL RULES AND PROCEDURES DATED JULY 2025.**

WHEREAS, it is the responsibility of the City Council of the City of Maryville, Tennessee to maintain the Personnel Rules and Procedures, and;

WHEREAS, it is now necessary to make changes to the Personnel Rules and Procedures.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, the following;

A) SECTION 1. That the City of Maryville Personnel Rules and Procedures be updated to reflect the adoption of the Resolution to authorize crediting accumulated sick leave as creditable service in accordance with Tennessee Code Annotated, Section 8-34-604.

SECTION 2. That this resolution become effective immediately upon its adoption.

ADOPTED this ____ day of _____, 2026.

Mayor

Attest:

City Recorder

Approved as to form:

City Attorney

Summary of Updates to the City of Maryville Personnel Rules and Procedures

1. Page 30 - Chapter IX – Leave Policies

Section D. Sick Leave

- A. The City has adopted the TCRS Sick Leave Provision (March 3, 2026)
- B. City employees may now use their 1200/1800 hours (converted to days) as creditable retirement service.
- C. City employees may opt to be paid a lump sum for ½ of their sick leave accruals at retirement up to a maximum of 360 hours. The remaining balance of accrued hours will be reported to TCRS for conversion to creditable retirement service.
- D. City employees will no longer be able to extend their retirement date by using accrued sick leave.

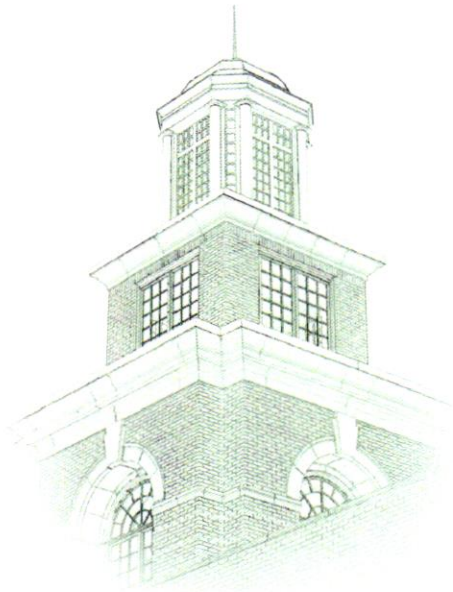
2. Page 51 – Chapter XI – Separations

Section F. Retirement

- A. This update clarifies 1.D above.

Updates that were not changes to policy.

- A. Typos were corrected in the table of contents



PERSONNEL RULES AND PROCEDURES



Effective August 2000
Revised May 2002
Revised January 2007
Revised July 2007
Revised September 2008
Revised December 2009
Revised March 2010
Revised August 2012
Revised September 2013

Replaced April 2021 Replaced in full and effective July 2025, [updated March 2026](#)

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SECTION B. VACATION LEAVE SCHEDULE

Vacation Leave Schedule for Employees other than Firefighters (on 24 hour shifts) hired after April 2, 1985

Completed Service	Vacation Leave Credit per Pay Period	Vacation Leave Credit per Year
0 through 5 years	3.69 hours	96 hours
6 through 10 years	5.54 hours	144 hours
11+ years	6.95 hours	180 hours

Vacation Leave Schedule for Firefighters hired after April 2, 1985

Completed Service	Vacation Leave Credit per Pay Period	Vacation Leave Credit per Year
0 through 5 years	5.15 hours	134 hours
6 through 10 years	7.73 hours	201 hours
11+ years	9.71 hours	252 hours

Employees hired prior to April 2, 1985 earn 7.8462 hours per pay period.

Vacation is accrued on a per pay period basis by all full-time employees beginning with the employee's hire date.

Employees will accrue vacation as set forth in the vacation leave schedule of these rules and procedures. An employee's vacation accrual rate changes after the completion of five years of employment and after ten years of employment.

Use of accrued vacation time within six months of employment must be approved by Managing Directors.

Other than shift personnel in the fire department, vacation leave is to be taken in lengths of no less than one-half hour. Partial day usage is permissible for both exempt and non-exempt employees. Less than whole-shift increments in the fire department will be determined by the department director based on operational requirements.

Vacation leave may be taken as earned, subject to the prior approval of the department director who shall schedule leave ~~so as to~~ meet the operational requirements of the department. Annual leave taken by the department directors must be approved by the Managing Director, Managing Director leave must be approved by the city manager.

If an employee resigns, any vacation accrued will be paid in lump sum on the final check. Vacation leave may not be extended past the employee's final working day. Resigning employees will receive accrued leave according to this schedule through the pay period before the last working day.

Upon retirement of an employee, accrued vacation up to the maximum allowed (See Section C.) and sick leave may be paid in a lump sum with the final pay check or the employee may take the time off before the retirement date ~~(see Section E, Sick Leave, for maximum allowed)~~. Retiring employees will receive accrued leave according to this schedule through the pay period before the



return to work and is physically able to perform the essential functions of the position with or without reasonable accommodation.

3) If required by the department director, they must submit a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence and state that the employee is again physically able to perform the essential functions of the job. The department director, with approval of the human resources director, may require an employee to submit a medical certificate signed by a licensed physician designated by the City.

Sick leave may be taken as necessary but may not be extended or overdrawn beyond the accrued amount at the time of absence. Partial day usage is permissible for both exempt and non-exempt employees. Claiming sick leave when physically fit shall be grounds for discipline including discharge.

Employees who resign or are involuntarily dismissed from City employment shall not be paid for accrued sick leave and shall lose all accrued sick leave credit.

~~Any employee who retires may have one-half (1/2) of accrued sick leave credited toward additional service for payroll purposes up to a maximum limit of 360 hours. The maximum limit for firefighters is 540 hours. The employee may choose to be paid for the sick leave credit on the final paycheck or take a paid leave of service until the effective date of retirement, at which time the employee would be removed from the payroll.~~

The City of Maryville adopted the TCRS Sick Leave Provision March 3, 2026.

The TCRS Sick Leave Provision allows employees to apply their sick leave balance to their creditable service at retirement. Each 20 days of unused sick leave shall equal one month of retirement service credit. The employer shall certify the number of accumulated unused sick leave days upon a member's application for retirement. Note: the service credit does not add to the age for the purpose of service retirement. Only years of service.

Sick leave conversion chart for creditable service

<u>Calculation for creditable service</u>	<u>Convert to days</u>	<u>Convert to months</u>
<u>Employees</u>	<u># hours ÷ 8 =</u>	<u>÷ 20 = months creditable service</u>
<u>Firefighters / 24 hr</u>	<u># hours ÷ 12 =</u>	<u>÷ 20 = months creditable service</u>

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Optional Payout

Any employee who retires **may be** paid (lump sum) for one-half (1/2) of accrued sick leave up to a maximum of 360 hours. The maximum limit for firefighters is 540 hours. The remaining balance of sick leave hours will be certified for creditable service through TCRS.

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SECTION D. DISABILITY

An employee may be separated from employment when the employee cannot perform the essential functions of the employee's position with reasonable accommodation because of a physical or mental impairment. Action may be initiated by the employee or the City and in most cases must be supported by medical evidence acceptable to the human resources director. The City may require an examination at its expense to be performed by a licensed health care provider of its choice.

SECTION E. DEATH

Separation shall be effective as of the date of death. All compensation due in accordance with this rule shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse or beneficiary.

SECTION F. RETIREMENT

Whenever an employee meets the conditions set forth in the pension-retirement plan regulations, the employee may elect to retire and receive all benefits earned under the retirement plan. However, any employee who has elected to retire and who chooses to use accrued ~~sick and~~ vacation leave to extend the effective date of retirement, but is not physically present at this assigned workplace, shall not be eligible to accrue holiday, sick or vacation leave while using the balance of accrued ~~sick and~~ vacation ~~days/leave~~. See Chapter XIV. Retiring employees will receive accrued leave according to this schedule through the pay period before the last working day.

~~Through December 31, 2025, the police and fire department's certified personnel has a mandatory retirement age of sixty-five (65) years of age. This standard applies to regular (full-time) employees of the department.~~

Beginning January 1, 2026 the police and fire department's mandatory retirement age for certified personnel is 60 or 62 for positions of Captain and higher.

SECTION G. DISMISSAL

Dismissal is an employment separation initiated by the City for reasons other than layoff or disability.



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

10. CONSIDERATION OF A RESOLUTION AMENDING THE CITY OF MARYVILLE'S POSITION CLASSIFICATION – COMPENSATION PLAN, UTILITY CONSTRUCTION INSPECTOR I, II, AND III.

A) Introduction: The Utility Construction Inspector I, II, & III jobs are being established to provide a career ladder for all inspectors whose qualifications, such as time/certification/experience, allow them to advance within their positions.

B) Financial Impact of Action: The Utility Construction Inspector I will replace the current Utility Construction Inspector and remain in skill level 9, Utility Construction Inspector II will be placed in skill level 10, and Utility Construction Inspector III will be placed in skill level 11 of the classification plan.

C) Impact of Action on Other Departments/Agencies: This action does not impact other departments or agencies.

D) Proposed Action: Add the Utility Construction Inspector I, II, and III to skill levels 9, 10, and 11 in the City of Maryville classification plan.

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF MARYVILLE'S
POSITION CLASSIFICATION PLAN.**

WHEREAS, the City of Maryville has established a position classification plan, and;

WHEREAS, it is the responsibility of the City Council of the City of Maryville, Tennessee to maintain the position classification plan;

WHEREAS, it is now necessary to make changes to the position classification plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, as follows:

SECTION 1. That in accordance with Title 4, Section 201 of the Maryville Municipal Code, the position classification plan of the City of Maryville is hereby amended.

SECTION 2.

- a.** The position of Construction Inspector I is hereby added to skill level 9; and
- b.** The position of Construction Inspector II is hereby added to skill level 10; and
- c.** The position of Construction Inspector III is hereby added to skill level 11.

SECTION 3. This resolution shall become effective from and after its adoption.

Adopted this _____ day of _____, 2026.

Mayor

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

11. CONSIDERATION OF A MOTION TO DECLARE CERTAIN ITEMS AS SURPLUS AND TO AUTHORIZE THEIR DISPOSAL IN THE MARCH 3RD, 2025 COUNCIL MEETING.

A) **Introduction:** Consideration of a motion to declare certain items as surplus and to authorize their disposal.

B) **Proposed Action:** Council is requested to consider a motion to declare certain items as surplus. The following items listed are no longer needed due to the replacement program and we respectfully request they are deemed surplus property.

1. # 302 2018 Ford Explorer
2. # 645 2018 HUSTLER SUPER Z Mower
3. # 646 2018 HUSTLER SUPER Z Mower
4. # 653 2019 HUSTLER SUPER Z Mower
5. # 661 2012 ODB LCT60C LEAF LOADER
6. # 669 2019 HUSTLER SUPER Z Mower
7. 8 Metal Storage Cabinets
8. 4 P235/75R17 Grabber HTS Tires
9. 3 12R22.5 WHL Recap Tires
10. 5 LT245/75/17 Cooper Discovery HT3
11. 1 Large Bolt Bin with Nuts And Bolts Fine Thread
12. Trailer Jacks, Trailer Hitch
13. Bumper, Brackets, Tow Hooks taken off 952A

C) **Financial Impact of Action:** The sale of the surplus items would be returned to the original funds source from which the items were obtained.

D) **Staff Recommendation:** Staff recommends approval.