

AN ORDINANCE TO AMEND CHAPTER 3, TITLE 18 OF THE CITY'S MUNICIPAL CODE PERTAINING TO STORMWATER (REPLACES ORDINANCE 19-09)

BE IT ORDNANIED BY THE MAYOR AND COUNCIL OF THE CITY OF LEWISBURG THAT:

- 1) Chapter 3, Title 18, Stormwater Ordinance be replaced in its entirety and all previous versions be considered null and void.
- 2) This ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the City Codes Officer.
- 3) For reference purposes only in this document the current amendments to the Stormwater Ordinance are shown below in red.

**Section 2. Definitions.**

- (1) "Hotspot" (~~priority-area~~) means an area where land use or activities have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
- (25) ~~"Priority-area" means "hot-spot" as defined in § 2(11).~~
- (25) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

**Section 3. Land disturbance permits.**

- (4) Application for a Land Disturbance Permit
  - (b) Each application shall be accompanied by:
    - (1) a sediment and erosion control plan as described in §4(5).

(7) Pre-Construction Conference

- (a) Construction activities discharging directly into, or immediately upstream of waters the state recognizes as impaired (for siltation or **habitat alterations**) or **high-quality Exceptional Tennessee Waters**

**Section 4. Stormwater System Design and Management Standards**

- (4) Stormwater Management Plan Requirements
  - (b) **Long-Term** Maintenance and Repair Plan: The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.

(5) Sediment and Erosion Control Plan Requirements

- (r) The erosion control plan shall identify water quality buffer zones that must be established adjacent to all streams, including intermittent streams. The water quality buffer zone shall consist of a setback from the top of the water body's bank of undisturbed vegetation, including trees, shrubs, and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs, or lakes, which exists or is established to protect those water bodies. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Buffer width will be determined based on the size of the drainage area. Streams or other waters with drainage areas of less than one (1) square mile will require a minimum buffer width of thirty (30) feet. Streams or other waters with drainage areas greater than one (1) square mile will require a minimum buffer width of sixty (60) feet. In addition, streams or other waters that are listed by TDEC as impaired or high quality will require a minimum buffer width of sixty (60) feet, regardless of the size of the drainage area. Water quality buffer zones are not sedimentation control measures and shall not be relied on as such. Any construction that must take place within the buffer zone, such as a utility or roadway crossing, must be approved in writing by the Stormwater Department prior to commencement of the project. Approval of

construction within the buffer zone will be extremely limited to those uses that are commonly necessary within these areas and that are not extremely intrusive to the area, such as utilities, roadways, footpaths, etc.

In subdivision developments, buffer zones shall be designated as open space and shall not be considered a part of individual residential lots, **or they shall be designated as Permanent Drainage Easement – Not to Be Disturbed.** The buffer zone may be dedicated to the City of Lewisburg if the developer so chooses. For non-subdivision developments, such as commercial developments, a drainage easement shall be established for the buffer zone. The easement will stipulate that no disturbance can take place without applying for and receiving written approval from the Stormwater Department.

### **Section 5. Post Construction**

#### **(1) Inspection of Stormwater Management Facilities**

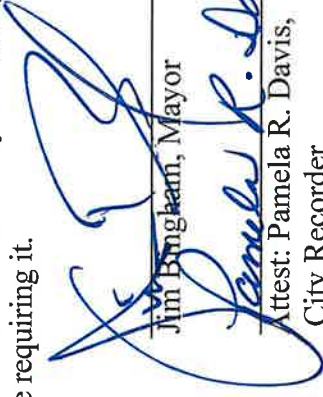
Periodic inspections of facilities shall be performed as provided for in §4(4)(g)(2)(b).


**BE IT FURTHER ORDAINED** this Ordinance will become effective 15 days following the third and final passage of this ordinance, the municipal welfare requiring it.

Passed 1st reading: May 11, 2021.

Passed 2nd reading: June 8, 2021.

Passed 3rd & final reading: July 13, 2021

  
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Jim Bingham, Mayor

  
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Attest: Pamela R. Davis,  
City Recorder