

ORDINANCE 12-370

Section I. Chapter 16, Title 14 of the Municipal Code is changed as shown below:

1. Index add:

- 14-1607A Additional Plan Requirements for Discharges into Impaired or Exceptional Waters
- 14-1614A Re-Submittal of DSCP

2. Section 14-1603

a. Change the last sentence of the introductory paragraph to add the bold, italicized words:

Words not defined in this section shall be construed to have the meaning given by *first as defined in the TDEC NPDES PERMIT FOR DISCHARGES From Small Municipal Storm Sewer Systems Permit No. TNS000000 issued August 31, 2010 and second the* common and ordinary use as defined in the latest edition of Webster's Dictionary.

b. Add the following definitions:

(1) Drainage area. The geographic area or region that contributes surface runoff to a common outlet or outlets."

(2). Exceptional Tennessee Waters are surface waters of the State of Tennessee that satisfy the characteristics as listed in Rule 1200.4.3.-06 of the official compilation - rules and regulations of the State of Tennessee. Characteristics include waters designated by the Water Quality Board as Outstanding National Resource Waters (ONRW), waters that provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards. **(NOTE:** None of these waters exist in the Town at this writing, Dec 7, 2011.)

(3) Impaired Waters means any segment of surface waters that has been identified by TDEC as failing to support one or more classified uses. For construction permits, pollutants of concern include, but are not limited to: siltation (silt/sediment) and habitat alterations. Based on the most recent assessment information available to staff, the Town will notify applicants and permittees if their discharge is into, or is affecting impaired waters. TDEC periodically compiles a list of such waters known as the 303(d) List. **(NOTE:** None of these waters exist in the Town at this writing, Dec 7, 2011.)

(4) Owner's authorized representative The person who has "in-writing" authorization from the owner of record of the property or facility. A written notarized option to lease and/or purchase the property/facility is acceptable.

(5). Pollutant as used in this section means (1) Any thing that causes or contributes to pollution. Pollutants may include, but are not limited to, oil based paints, varnishes and solvents; rubbish, garbage, litter or other discarded or abandoned objects and accumulations, so that same may cause and fertilizers; hazardous substances and wastes; sewage, fecal e-coli and pathogens; dissolved and particulate metals; animal waste; wastes and residues that result from constructing a building or structure; noxious or offensive matter of any kind; or other harmful items that may enter the storm system of the Town.

(2) Dumping of unlawful items within the Town.

c. Change definition (21) to renumber existing sub-paragraph (c) as (d); make the last sentence of existing sub-paragraph (b) sub-paragraph (c) and add the letters in bold print below to the new sub-paragraph (c). The preceding results in definition (21) reading as follows:

(21) "Land disturbing activity." Any activity which may result in soil erosion from water or wind and the movement of sediments into drainage ways, or local water, including, but not limited to clearing, grading, excavating, transportation and filling of land, except that the term shall not include:

- (a) Such minor land disturbing activities as home and gardens and individual home landscaping, repairs and maintenance work.
- (b) Construction, installation or maintenance of individual service connections, or septic lines and drainage fields. Utility line construction of 1.65 miles for a five foot (5') wide disturbed area will require a permit. If the Town of Mount Carmel is the permittee, the permit will be obtained from the Tennessee Department of Environment and Conservation.
- (c) Preparation for single family residences separately built, unless **disturbing an acre or more or** in conjunction with multiple [three (3) or more] adjacent construction sites in subdivision developments.
- (d) Emergency work to protect life, limb or property.

3. Section 14-1607 (13) Add the bold, italicized words: Specific remediation measures to prevent erosion and sedimentation runoff, ***contamination by other pollutants*** and to meet approved standards as outlined in § 14-1609 of this chapter. Plans shall include detailed drawings for all control measures used; stabilization measures including vegetation and non-vegetative measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

3. Section 14-1607 (14 – 17) duplicate language:

a. There are several instances of duplicate language in paragraphs 14-1607 (14 – 17). To eliminate these duplications, the following changes are made:

- (1) 14-1607(14): Delete the last sentence.
- (2) 14-1607(15): Delete the last three sentences, the first being deleted begins with the words, "Specific details for"
- (3) 14-1607(17): Delete the entire sub-paragraph.

b. **ADD Sub-paragraph 14-1607(17) Design storm:** The plan must be designed to control storm runoff from a 2 year 24 hour event except for discharges to exceptional Tennessee waters and/or impaired water which must be designed for the 5 year 24 hour event.

4. ADD section 14-1607A. Additional Plan Requirements for Discharges into Impaired or Exceptional Tennessee Waters. At this writing, Dec 7, 11, none of these waters are in or immediately downstream of the Town. If such waters are designated in the future, the applicant must include the information required by section 5.3 of the current Tennessee Construction General Permit (TN CGP).

5. Delete existing paragraph 14-1611(2) and replace with the following:

(2) A thirty foot (30') natural riparian buffer zone adjacent to all streams at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The thirty foot (30') criterion for the width of the buffer zone can be established on an average width basis at a project as long as the minimum width of the buffer zone is more than fifteen feet (15') at any measured point

6. ADD Para 14-1614A. Re-Submittal of DSCP. (1) The owner/developer shall be required to re-submit pertinent sections of the DSCP under the following circumstances.

a. whenever there is a change in the scope of the project, which would be expected to have a significant effect on the discharge of pollutants to the waters of the state and which have not been otherwise addressed in the DSCP information previously submitted (eg. The size of the project changes to include grading of acreage not previously shown).

b. whenever inspections or investigations by site operators, local, state, or federal officials/inspectors indicate the control(s) designed/constructed is/are proving ineffective in eliminating or significantly minimizing pollutants.

c. whenever the owner/developer change the design of the project to include adding or reducing the number, changing the size of or of introducing new control devices. (Note: minor changes as determined by the Town Engineer and/or Building Inspector may be exempt from this

requirement).

(2) The Town Engineer and/or Building Inspector will determine how much of the DCSP needs to be re-submitted. The Planning Commission will consider appeals based on information submitted at least 3 working days before regular or called meetings.

(3) Re-submittals will be IAW paragraphs 14-1613 and 14-1614 of this section.

7. Delete the existing section 14-1615 and replace with the following:

14-1615. Speedy Review of Plan (A) The Mount Carmel Planning Commission shall review drainage and sedimentation control plans as soon as possible while still allowing for a thorough evaluation of the problems and mitigation measures identified and addressed. The planning commission will take final action on plans submitted no later than 60 days after the initial consideration date by the planning commission. The sixty days may be extended when there is a holiday or an unexpected interceding event that would close municipal offices and thus affect the normal computation of the sixty-day period, in which case the plan shall be approved or disapproved after the interrupted sixty-day period at the next regularly scheduled meeting of the commission.

(B) The applicant may waive the time requirement in this section and consent to an extension or extensions of the applicable time period.

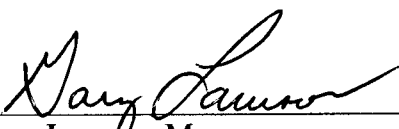
(C) In this regard, road frontage and similar plans which do not require or minimally require excavation or underground utility construction submitted 15 or more days prior to a regular planning commission meeting, shall be placed on the planning commission agenda for the next scheduled meeting for initial consideration. Plans which require new streets and/or major underground utility construction shall be submitted at least 30 days prior to a planning commission date to be considered at the next meeting and shall contain all of the information required in sections 14-1607 – 14-1609. If not complete, the plan may be returned with an explanation and not considered until resubmitted with correction(s) at least 30 days before a regular planning commission meeting date. Complete plans submitted/resubmitted with correction(s) less than 30 days before a regular planning commission meeting date, will be placed on the planning commission agenda at the second following regular meeting date for initial consideration (if staff review is completed in time for the next meeting, the plan may be placed on the agenda for that meeting.) Note that the Planning Commission meets regularly once a month.

8. Change Paragraph 14-1630. to add the bold, italicized words. (1) Scope. This section shall apply to ***any illegal disposal including dumping and*** all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.

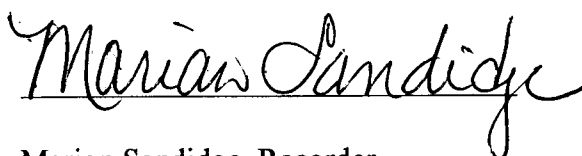
Change paragraph 14-1632 to add/change the bold, italicized words Mud/silt/***debris/other pollutants*** in street/stream. The fact that mud, silt,

debris or other ***pollutants*** has moved from the job site ***or existing developed/undeveloped properties*** to the street, stream or adjoining property either by man, mechanical means, or acts of God is prima facie evidence that the provisions of this chapter have been violated. If such occurs from separate, distinct places at least one hundred feet (100') apart, each will be a separate violation even though the property is owned by the same individual. Such violations may be cited into municipal court by the building inspector, police or others designated to enforce this chapter.

SECTION II. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the Town of Mount Carmel, Tennessee requiring it.


Gary Lawson, Mayor

ATTEST:


Marion Sandidge, Recorder



FIRST READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN	X		
ALDERMAN LEANN DEBORD	X		
ALDERMAN FRANCES FROST		X	
ALDERMAN KATHY ROBERTS	X		
ALDERMAN THOMAS WHEELER	X		
VICE-MAYOR CARL WOLFE	X		
MAYOR GARY LAWSON	X		
TOTALS	6	1	0

PASSED FIRST READING: January 27, 2012

SECOND READING	AYES	NAYS	OTHER
VICE-MAYOR EUGENE CHRISTIAN	X		
ALDERMAN LEANN DEBORD	X		
ALDERMAN FRANCES FROST		X	
ALDERMAN KATHY ROBERTS	X		
ALDERMAN THOMAS WHEELER	X		
VICE-MAYOR CARL WOLFE	X		
MAYOR GARY LAWSON	X		
TOTALS	6	1	0

PASSED SECOND READING: February 28, 2012

PUBLICATION AFTER PASSAGE:
DATE: March 1, 2012
NEWSPAPER: *Kingsport Times-News*



Public Notice Mount Carmel

Wednesday, February 15, 2012 2:35 PM

From: "Marian Sandidge" <mariansandidge@yahoo.com>

To: "Sheryl Edwards" <sedwards@timesnews.net>

February 15, 2012

Kingsport Times-News
Classified Advertising Department
P.O. Box 479
Kingsport, TN 37662
RE: Advertisement

Dear Sheryl:

Please run the following advertisement in the Legal Section one time:

PUBLIC HEARING

The Mount Carmel Board of Mayor and Aldermen will have public hearing on Tuesday, February 28, 2012, at 7:00 p.m. at Mount Carmel City Hall concerning ***Ordinance 12-370, "An Ordinance to Amend the Code of Ordinances by Amending Chapter 16, Title 14, Relating to Stormwater Management, Erosion and Sedimentation Control."*** The regular Board of Mayor and Aldermen meeting will follow. The public is welcome to attend and make comments.

Should you have any questions or if any additional information is needed, please do not hesitate to call on me.

Sincerely,
TOWN OF MOUNT CARMEL
Marian Sandidge, City Recorder

Order Confirmation

PUBLIC HEARING

The Mount Carmel Board of Mayor and Aldermen will have public hearing on Tuesday, February 28, 2012, at 7:00 p.m. at Mount Carmel City Hall concerning Ordinance 12-370, "An Ordinance to Amend the Code of Ordinances by Amending Chapter 16, Title 14, Relating to Stormwater Management, Erosion and Sedimentation Control." The regular Board of Mayor and Aldermen meeting will follow. The public is welcome to attend and make comments.

PUB1T: 02/16/2011

<u>Ad Order Number</u>	<u>Customer</u>	<u>Payor Customer</u>
0001009348	TOWN OF MOUNT CARMEL	TOWN OF MOUNT CARMEL
<u>Sales Rep.</u>	<u>Customer Account</u>	<u>Payor Account</u>
Unassigned	59632	59632
<u>Order Taker</u>	<u>Customer Address</u>	<u>Payor Address</u>
sedwards	P O BOX 1421, , MT CARMEL TN 37645 USA	P O BOX 1421, , MT CARMEL TN 37645 USA
<u>Ordered By</u>	<u>Customer Phone</u>	<u>Payor Phone</u>
	615-357-7311	615-357-7311
<u>Order Source</u>		
<u>PO Number</u>	<u>Customer Fax</u>	<u>Customer EMail</u>

<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>	<u>Payment Method</u>	
0	0	5		
<u>Invoice Text:</u>				
<u>Blind Box</u>	<u>Materials</u>			
<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Amt</u>	<u>Amount Due</u>
\$47.86	\$0.00	\$47.86	\$0.00	\$47.86
<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Pick Up Number</u>	
0001009348-01	LL Legal Liner	1.0 X 21 Li		
<u>Order Notes/Information</u>				



Publish Ordinance for Town of Mount Carmel

Tuesday, February 28, 2012 7:18 PM

From: "Marian Sandidge" <mariansandidge@yahoo.com>

To: "Sheryl Edwards" <sedwards@timesnews.net>

February 28, 2012

Kingsport Times-News
Sheryl Edwards
Classified Advertising Department
P.O. Box 479
Kingsport, TN 37662

RE: Adopted Ordinance for the Town of Mount Carmel

Dear Sheryl:

Please run the following advertisement in the Legal Section one time:

The Town of Mount Carmel, Tennessee, on February 28, 2012, passed the following ordinance:
Ordinance 12-370. An Ordinance to Amend Title 14, "Zoning and Land Use Control," Chapter 16,
"Stormwater Management, Erosion and Sedimentation Control.

Should you have any questions or if any additional information is needed, please do not hesitate to call on me.

Sincerely,
TOWN OF MOUNT CARMEL
Marian Sandidge, City Recorder

Order Confirmation

<u>Ad Order Number</u>	<u>Customer</u>	<u>Payor Customer</u>
0001010957	TOWN OF MOUNT CARMEL	TOWN OF MOUNT CARMEL
<u>Sales Rep.</u>	<u>Customer Account</u>	<u>Payor Account</u>
sedwards	59632	59632
<u>Order Taker</u>	<u>Customer Address</u>	<u>Payor Address</u>
sedwards	P O BOX 1421, , MT CARMEL TN 37645 USA	P O BOX 1421, , MT CARMEL TN 37645 USA
<u>Ordered By</u>	<u>Customer Phone</u>	<u>Payor Phone</u>
	615-357-7311	615-357-7311
<u>Order Source</u>		
<u>PO Number</u>	<u>Customer Fax</u>	<u>Customer EMail</u>

PUBLIC NOTICE
The Town of Mount Carmel, Tennessee, on February 28, 2012, passed the following ordinance:

Ordinance 12-370. An Ordinance to Amend Title 14, "Zoning and Land Use Control," Chapter 16, "Stormwater Management, Erosion and Sedimentation Control."

PUB1T; 03/01/12

<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>	<u>Payment Method</u>
0	0	1	

Invoice Text:

<u>Blind Box</u>	<u>Materials</u>

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Amt</u>	<u>Amount Due</u>
\$23.76	\$0.00	\$23.76	\$0.00	\$23.76

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Pick Up Number</u>
0001010957-01	LL Legal Liner	1.0 X 16 Li	

Order Notes/Information

**Ordinance 12-370**

Wednesday, February 29, 2012 9:16 AM

From: "Marian Sandidge" <mariansandidge@yahoo.com>**To:** "Nancy Gibson" <nancy.gibson@tennessee.edu>

1 File (31KB)



Ordinanc...

Nancy,
Attached is Ordinance 12-370 that the Board passed last night.
Thanks,
Marian Sandidge, City Recorder
Town of Mount Carmel
423-357-7311

Public Notice
The Board of Mount Carmel, Tennessee, on February 28, 2012, passed the following ordinance:
Ordinance 12-279. An Ordinance to Amend Title 14, Zoning and Land Use Control, Chapter 16, "Stormwater Management, Erosion and Sedimentation Control."
PUB1T: 08/01/12