

ORDINANCE 2001 050

AN ORDINANCE TO AMEND THE OFFICAL CODE OF THE CITY OF JACKSON TO REGULATE DISCHARGES INTO THE STORMWATER SYSTEM

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON:

Section 1. The following provisions are hereby adopted by the City Council and supplemented into Title 14, Chapter 5, the Code of Ordinances of the City of Jackson:

Regulations for Discharges into the Storm Sewer System

7-01 Purpose

The City Council finds that the uncontrolled discharge of pollutants into the storm water system has an adverse impact upon the water quality of the receiving waters.

- A. The 1987 amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) program, which requires permits for discharges from municipal stormwater systems into the waters of the United States. The Environmental Protection Agency has promulgated regulations implementing the NPDES Program, Phase 2.
- B. The NPDES Phase 2 regulations for stormwater discharges require certain municipalities, including the City of Jackson, to:
 - (1) Prohibit through ordinance or other regulatory mechanism, illicit discharges to the municipal stormwater system;
 - (2) Control through ordinance or other regulatory mechanism, discharges to municipal stormwater system of spills, dumping or disposal of materials other than stormwater;
 - (3) Require compliance with conditions in ordinances, permits, contracts or orders; and
 - (4) Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition of illicit discharges to the municipal stormwater system.

7-02 Objectives

This ordinance and the related regulations are a part of the City stormwater management program to prevent certain non-stormwater discharges to and improper disposal of substances into the stormwater system, as to reduce, to the maximum extent practicable, pollutants that may be present in discharges from the stormwater system.

7-03 Permits

Stormwater discharges in the City of Jackson will be covered under a permit issued by the Tennessee Department of Environment and Conservation.

7-04 Procedure

Within ninety (90) days from the date of final adoption of this code, the City Engineer shall promulgate rules and regulations regarding illicit discharges and illicit dumping into the stormwater system. The City Engineer shall submit such rules and regulations to the *Environmental Advisory/Appeals Board* for review and approval at a regular or special meeting of the *Board*. Upon such approval becoming final, the City Engineer shall cause the rules and regulations to be published and made available to the public in his office without charge. Such rules and regulations shall be based upon sound principles of engineering, biology, and ecology, shall be consistent with the rules and regulations by the Environmental Protection Agency's storm water program, the National Pollution Discharge Elimination System (NPDES) Phase 2 Rule. The rules and regulations written by the City Engineer shall contain appropriate provisions for the enforcement of this code and the rules and regulations, including provisions requiring offenders to obtain a special permit for stormwater discharges and for issuing a cease and desist order for illicit discharges.

7-05 Remedies and Penalties for Violation

Any person, firm, or corporation violating any of the provisions of the rules and regulations shall be required to take the remedial actions and be subject to civil penalties as follows:

- A. The City shall have the right to recover the lesser of \$450.00 per day for each day that the violation exists or all damages proximately caused by the violation to the municipality, which may include any reasonable expenses incurred in investigating violations, expenses involved in rectifying any damages, costs and attorney fees incurred by the city as the result of enforcing violations of this ordinance.
- B. In addition to the above remedial measures, any person, firm or corporation guilty of violating any of the provisions of this ordinance shall be subject to a fine of up to Fifty Dollars (\$50.00) per day for each day the violation exists, beginning the first day of the violation and continuing each day thereafter until the violation is corrected. Each day that a violation of this ordinance exists shall constitute a separate offense
- C. In addition to the remedies and civil penalties set forth above, The City of Jackson may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
- D. The remedies and penalties set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

7-06 Appeals

Whenever the City Engineer shall issue a cease and desist order for any reason, including an interpretation of the rules and regulations, any person affected by such order, or his duly authorized

agent, may appeal the decision of the City Engineer to the Environmental Advisory/Appeals Board. Notice of appeals shall be in writing and filed with the City Engineer within thirty (30) days after the decision of the City Engineer. Appeals shall be on forms provided by the City Engineer.

7-07 Variances

Variances shall not violate any Federal, State or Local Ordinance. The Environmental Advisory/Appeals Board, when appealed to and after hearing, may vary the provisions of the rules and regulations in respect of a particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this code, or public interest, or when, in its opinion, the interpretation of the rules and regulations by the City Engineer should be modified or reversed. The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. In reaching a decision the Board must consider the specific requirements of state and federal law. If a decision of the Board reverses or modifies an order or special permit requirement by the City Engineer or varies the application of any provision of this code, the minutes of the meeting of the Board must be specific as to the reasons for the reversal, modification or change in application by the board. The City Engineer shall immediately take action in accordance with such a decision. Every decision of the Environmental Advisory/Appeals Board shall be final subject however to such remedy as any aggrieved party might have at law or equity.

Section 2. That this Ordinance shall take effect from and after its adoption the public welfare requiring it.

Introduced: _____

Adopted: _____

MAYOR