

**ORDINANCE NO. 17-5503**

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON, TENNESSEE, TO AMEND THE LEBANON MUNICIPAL CODE BY CREATING A NEW TITLE 22 TO ESTABLISH A UTILITY FOR STORMWATER MANAGEMENT AND TO CREATE AN ENTERPRISE FUND AND A METHOD OF FUNDING FOR THE UTILITY**

**WHEREAS**, the federal Clean Water Act, 33 U.S.C § 1251 *et. seq.* requires certain political entities, such as the City of Lebanon, to implement stormwater management programs within prescribed time periods; and

**WHEREAS**, the United States Environmental Protection Agency (the "EPA") has promulgated regulations for municipal stormwater permits; and

**WHEREAS**, Tennessee Code Annotated § 68-221-1101 *et. seq.* is intended to facilitate municipal compliance with the feral Water Quality Act of 1977, and applicable EPA regulations, particularly those arising from § 405 of the Water Quality Act of 1987 and § 402(p) of the Clean Water Act of 1977, and to enable municipalities to regulate stormwater discharges, establish a system of drainage facilities, construct and operate a system of stormwater management and flood control facilities, and to "fix and require payment of fees for the privilege of discharging stormwater;" and

**WHEREAS**, Tennessee Code Annotated § 68-221-1105 provides that municipalities have the power by ordinance or resolution to:

- (1) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;
- (2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
- (3) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
- (4) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;
- (5) Issue permits for stormwater discharges, and for the construction, alteration, extension, or repair of stormwater facilities;
- (6) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(7) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial or commercial sewage or waters that have otherwise been contaminated;

(8) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private; and

**WHEREAS**, the City of Lebanon desires to develop a stormwater utility which will be responsible for the operation, construction and maintenance of stormwater facilities, for stormwater system planning and for review of stormwater development plans for compliance with stormwater management ordinances and regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Lebanon, Tennessee, as follows:

Section 1. The Municipal Code of the City of Lebanon is hereby amended by creating a new Title 22 and adding the following as new sections to be designated so as to conform to the existing number system of such code:

**TITLE 22     STORM WATER**

**Section 22-101. Definitions.**

a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

*Base rate* means the stormwater user's fee for a single-family residential unit(s).

*Customer* means all persons, properties and entities who pay the stormwater user's fee as the owner or tenant of a property within the city.

*Construction* means the erection, building, acquisition, alteration, reconstruction, improvement or extension of stormwater facilities; preliminary planning to determine the economic and engineering feasibility of stormwater facilities; engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures and other action necessary in the construction of stormwater facilities; and the inspection and supervision of the construction of stormwater facilities.

*Developed land* means real property which has been altered from its natural state by the creation or addition of more than four-hundred (400) square feet of impervious surface area by the addition of any buildings, structures, pavement other improvements.

*Dwelling or dwelling unit* means a building or a portion thereof occupies, or intended to be occupied, for residential purposes.

*Fee or stormwater user's fee* means the charge established by ordinance and levied on owners or users of parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining and improving the stormwater system in the city. The stormwater user's fees are in addition to any other fee that the city has the right to charge.

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*Fiscal year* means July 1 of a calendar year to June 30 of the next calendar year, both inclusive.

*Impervious surface* means an impermeable surface which prevents the percolation of water into the soil including, but not limited to, buildings, building foundations, storage tanks, pavement, parking areas and driveways, sidewalks, runways, taxiways, aprons, hardened athletic courts, patios, decks, travel ways, areas of gravel or packed, unvegetated soil, swimming pools, paved areas surrounding swimming pools or any other impermeable surface.

*Impervious surface area* means the number of square feet of horizontal surface covered by impervious surfaces.

*Non-single-family residential property* means a parcel of developed land that cannot be classified as a single-family residential property. Non-single-family residential properties include, but are not limited to, commercial properties, industrial properties, public buildings and other structures, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, cemeteries, public and private schools, colleges and universities, churches, research stations, hospitals, healthcare and convalescent centers, airports, agricultural lands covered by impervious surfaces, water reservoirs, water and wastewater treatment plants, and multiple dwelling unit residential properties that do not meet the definition of single-family residential property.

*Property* means real property.

*Property owner* means the person or entity listed as the owner or record in the county's tax assessment roll.

*Single-family residential* means a parcel of developed land which serves the primary purpose of providing residential housing for single families in individual dwelling units, where individual dwelling units are not located above or below other dwelling units. In single-family residential properties, a dwelling unit occupies the entire space from ground level to rooftop, regardless of the number of stories of the unit. The term "single-family residential property" may include, but is not limited to, single-family residential detached homes, buildings that were originally constructed as single-family homes but were subsequently converted into multiple dwelling units within the original structure, mobile homes and single-family attached homes (duplexes, triplexes, etc.), apartments, condominiums and townhomes provided that individual dwelling units do not have other dwelling units located above or below.

*Stormwater* means stormwater runoff, snowmelt runoff, surface runoff, street washwaters related to street cleaning or maintenance, infiltration and drainage.

*Stormwater facilities* or *stormwater flood control facilities* means all natural and manmade conveyances and structures for which the partial or full purpose or use is to convey surface water within the jurisdictional boundaries of the city. This includes all natural conveyances for which the city has assumed a level of maintenance responsibility, to which the city has made improvements, against the flooding of which the city must make provision to protect public and private property, or for which the city is accountable under federal or state regulations for protecting the water quality within its jurisdictional boundaries.

*Stormwater management services* means the stormwater management programs, maintenance programs, capital improvement programs, facilities and best management practices that are developed and implemented by the city for the purpose of managing the quality and quantity of stormwater runoff collected and conveyed through the city's stormwater system. Stormwater management services may include, but are not limited to, administration, planning, acquisition, extension, mapping, engineering, design, construction, regulation, improvement, repair, rehabilitation, maintenance, regulation and operation of property, facilities and programs relating to water, drainage, stormwater quality, floodplains, flood control, grading, erosion, conservation, riparian buffers and sediment control.

*Stormwater management fund* or *fund* means the fund created by this article to operate, maintain, and improve the city's stormwater system.

*Stormwater system* means a conveyance or system of conveyances (including roads and drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) and stormwater facilities which are designed or used for collecting, controlling, treating or conveying stormwater, or through which stormwater is collected, controlled, treated or conveyed, which is owned or operated by the city.

*Surface water* includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes and reservoirs.

*User* means, for developed nonexempt property, the person listed as receiving water service, sewer service or combined water and sewer service of, if there is no such service or person listed, the property owner. It may also mean the property owner of property with multiple water service, sewer service or combined sewer and water service accounts on such property.

b) Words not defined in subsection a) of this section will be construed to have the meaning given by common and ordinary use.

**Section 22-102. Legislative findings and policy.**

The city council finds, determines and declares that the city's stormwater system, which provides for the collection, treatment, storage and disposal of stormwater, provides benefits and services to all property within the city limits. Such benefits include, but are not limited to:

- (1) Improvements to the water quality in the stormwater and surface water system and its receiving waters;
- (2) Improvements in general health and welfare through reduction of undesirable stormwater conditions;
- (3) The reduction of hazards to property and life resulting from stormwater runoff;
- (4) Capital and routine repair and maintenance of local bridges, culverts, etc.; and
- (5) The provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater.

**Section 22-103. Creation of utility and management fund.**

To achieve the purposes of the federal Clean Water Act and Tennessee Code Annotated § 68-221-1101 *et seq.*, there is created a stormwater utility and a stormwater enterprise fund known as the "Lebanon Stormwater Management Fund" to fund the stormwater utility in and for the city. The stormwater utility, under the general supervision and control of the commissioner of public works, may:

(1) Enforce regulations to protect and maintain water quality and quantity within the system in compliance with water quality standards established by state, regional and federal agencies;

(2) Review plans and approve or deny, inspect and accept extensions and connections to the drainage system;

(3) Administer and enforce this article and all adopted regulations, policies and procedures relating to the design, construction, maintenance, rehabilitation, operation and alteration of the utility stormwater system including, but not limited to, the quantity, quality and velocity of the stormwater conveyed thereby;

(4) Advise the city council on matters relating to the utility;

(5) Prepare plans and / or work orders for drainage crew tasks;

(6) Prepare plans and specifications for public bids;

(7) Administer the acquisition of property for and the administration, design, construction, maintenance and operation of the stormwater utility system, including capital improvements designated in the capital improvement program;

(8) Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, civil penalties and other revenues of the utility.

**Section 22-104. Funding of stormwater utility.**

a) Revenue sources for the stormwater utility's activities may include, but are not limited to, the following:

(1) Stormwater user's fees;

(2) Stormwater permit and inspection fees;

(3) Civil penalties and damage assessments imposed for or arising from a violation of the current city stormwater management policies and procedures manual, and;

(4) Other funds or income obtained from federal, state, local, and private grants, or revolving funds, and from the Local Government Public Obligations Act of 1986, Tennessee Code Annotated § 9-21-101 *et seq.*

b) There shall be no administrative service fee for establishing a new customer to the stormwater utility.

c) The stormwater management fund may earn interest, as part of the overall cash management strategy of the city. Interest earnings will be retained in the stormwater management fund.

d) The city may issue debt for stormwater capital improvements. Such debt may be issued as a general obligation bond for which interest and principal payments are recorded to the stormwater management fund.

e) To the extent that the stormwater user's fees collected are insufficient to fund the stormwater management program and its components, the cost of the same may be paid from such city funds as may be determined by the city council.

**Section 22-105. Disposition of revenues into fund.**

All revenues generated by or on behalf of the stormwater utility will be deposited in the stormwater management fund and used exclusively for the stormwater utility.

**Section 22-106. Operating budget.**

The city council will adopt an operating budget for the stormwater utility each fiscal year. The operating budget will set forth for such fiscal year the estimated revenues and the estimated costs for the administration, management, acquisition, operations and maintenance, extension and replacement and debt service of the stormwater utility.

**Section 22-107. Transfer of assets.**

The stormwater management fund will receive assets (fixed and consumable) as a direct transfer for future accounting and will not reimburse the city's general fund for past purchases. Equipment, supplies, professional services and other consumables will be funded by the stormwater user's fees based on the operating budget.

**Section 22-108. Stormwater user's fees established.**

There will be imposed on each and every developed property in the city, except exempt property, stormwater user's fees, which will be set from time to time by ordinance. Prior to establishing or amending the fees, the city will advertise its intent to do so by publishing notice in a newspaper of general circulation in the city at least ten days in advance of the meeting of the city council at which the fees are considered for adoption or amendment.

**RATES**

<b>All with &lt; 400 square feet of Impervious Area = \$0.00 Monthly Fee</b>	
<b>Property Type: Impervious Area (Square Feet)</b>	<b>Month</b>
Tier 1 – Residential: 400 – 1,500	1.50
Tier 2 – Residential: > 1,500	2.50
Tier 3 – Duplexes (split equally)	2.50
<b>Residential Condo, Townhome, etc. (per unit) (individually metered)</b>	3.50
<b>Property Type: Impervious Area (Square Feet)</b>	<b>Month</b>

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Tier 1 – Non-Residential: 400 – 6,000	15.00
Tier 2 – Non-Residential: > 6,000 – 15,000	25.00
Tier 3 – Non-Residential: > 15,000 – 35,000	35.00
Tier 4 – Non-Residential: > 35,000 – 60,000	50.00
Tier 5 – Non-Residential: > 60,000 – 100,000	75.00
Tier 6 – Non-Residential: > 100,000 – 300,000	200.00
Tier 7 – Non-Residential: > 300,00 – 1,000,000	400.00
Tier 8 – Non Residential: > 1,000,000	600.00

**Duplex residential property fee.**

The commissioner of public works shall have the discretion to evaluate and determine impervious area of all developed property through property tax assessor’s rolls, site examination, mapping information, aerial photographs, and / or any other reasonable and reliable information.

Information regarding the stormwater user fee and proposed rate structure will be posted on the City of Lebanon website. Billing questions should be directed to the City of Lebanon customer service department at (615) 444-6300.

**Section 22-109. Property classification for stormwater user’s fee.**

All property in the city and the applicable stormwater user’s fee is classified into one of the following:

(1) *Non-exempt property.* Includes residential, commercial, industrial, etc., properties as described in the rate schedule provided in Section VIII.

(2) *Exempt property.* The following property is exempt from the stormwater user’s fee:

- a. Undeveloped property that is not altered from its natural state.
- b. Agricultural property upon which the owner or operator conducts activities that satisfy the requirements of a qualified farms or nurseryman under Tennessee Code Annotated § 67-6-207(e). The owner or operator to shall bear the burden of establishing such exempt status.
- c. Developed property with less than 400 total square feet of impervious surface area per individual parcel.
- d. Property that does not discharge stormwater into or through the city’s stormwater system or does not discharge into the surface water system located within the city.
- e. Improved public transportation ways, including public streets and roads, which have been dedicated or conveyed to the city and are used by the general public for motor vehicle transportation.
- f. Railroad tracks; provided, however, railroad stations, maintenance buildings or other developed land are not to be exempt.

**Section 22-110. Base rate.**

The city council will by ordinance establish the base rate(s) for stormwater user's fees. The base rate will be calculated to ensure adequate revenues to fund the costs of stormwater management and to provide for the acquisition, operation, maintenance, rehabilitation and capital improvements of the stormwater utility in the city.

**Section 22-111. Payment of stormwater user's fees.**

a) Except as otherwise provided in this section, stormwater user's fees for each nonexempt property that receives water service, sewer service, solid waste service, or any combination of water, sewer and solid waste service, will be sent to the person named on the account, who shall be responsible for the payment of such fees. For developed property having no water service, sewer service or solid waste service of any combination of water, sewer and solid waste service, the stormwater user's fee will be sent to the property owner, who shall be responsible for the payment of such fees. Where multiple water, sewer or solid waste service, or any combination of multiple water, sewer or solid waste service, accounts exist on a single property, the city will follow current practices used for billing of water, sewer and solid waste fees. The stormwater user's fees may, for good cause shown at the discretion of the city, be sent to the property owner, who shall be responsible for the payment of such fees, or the stormwater user's fees may, for good cause shown at the discretion of the city, be sent to the persons named on the accounts, who shall be responsible for payment of such fees.

b) In the event of the transfer of ownership of a nonexempt property, responsibility for payment of the stormwater user's fee for the property will transfer to the person named on the account or the property owner, whichever is appropriate in accordance with subsection a) above, at the time that the account for water, sewer service or solid waste services is transferred. For developed property having no water service, sewer service or solid waste service or any combination of water, sewer and solid waste service, transfer of responsibility for the stormwater user's fee must be requested in writing.

**Section 22-112. Billing procedures, delinquent bills and penalties for late payment.**

a) The stormwater user's fee will be billed to customers on a monthly basis, in accordance with the routine schedule of billing used by the city for water, sewer and / or solid waste services.

b) Payments received shall be applied in the following order as appropriate for the services included on the bill: stormwater user's fee, solid waste fee, sewer service and water service. Failure to pay the entire amount on the bill can result in delinquency, late fees and eventual disconnection of water service.

c) Stormwater user's fees will be paid to the city as directed. If such fees are not paid on or before 14 days after the billing date or the delinquent date designated on the bill, an additional charge of ten percent of the bill will become due and payable and will become a part of the bill.

d) Should the final date for payment of a bill without penalty fall on a Sunday or a holiday, the business day next following the final date will be the last day to pay without a penalty. A remittance without the penalty received by mail more than 14 days after the billing date will be accepted by the city if the envelope is date-stamped on or before the 14<sup>th</sup> day after the billing date.

e) Any charge due under this article, or under an ordinance setting such charge or fee, which is not paid may be recovered at law by the city. The city will be entitled to recover attorney's fees incurred in collecting delinquent stormwater user's fees or charges.

f) As required by Tennessee Code Annotated § 68-221-1112, each bill for stormwater user's fees will contain the following statement in bold: "THIS FEE HAS BEEN MANDATED BY CONGRESS."

**Section 22-113. Stormwater fee adjustments and credits.**

a) Adjustments may be requested for errors or omissions in the calculation of a customer's stormwater user's fee. A request for adjustment due to error or oversight in the calculation of the fee must be submitted to the city in accordance with city policy. Adjustments may also be made by the finance director should the city identify an error or oversight, provided the city notifies the customer in advance of the adjustment. Adjustments will be determined on the basis of the property classification, as set forth in this article, or the amount of impervious surface area on the property. The definition of impervious surface cannot serve as the basis for an adjustment.

b) The city will provide a system of credits to reduce stormwater user's fees for non-single-family residential properties on which stormwater control measures substantially decrease the city's cost of maintaining the stormwater management system. Approved credits will be applied in the utility billing system as a reduction in the stormwater user's fee for the property that is approved to receive the credit. Credits cannot exceed the stormwater utility charge for the customer. The commissioner of public works will develop written policies for the credit system which will include the following:

(1) It will be the responsibility of the person who is obligated for payment of the stormwater user's fee to apply for a credit in writing, to demonstrate that the property meets the requirements for the allowable credit and to maintain the property's eligibility for any approved credit.

(2) An approved credit will not be applied retroactively.

(3) Properties with approved credits will be evaluated periodically by the city to determine if the property remains eligible for the credit. This evaluation may include inspection of the stormwater control measures and the submission by the applicant of information concerning those measures.

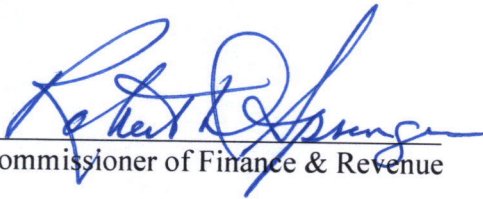
(4) An approved credit will be discontinued upon transfer or ownership of the property, or if the city determines that the property no longer qualifies for the credit. The city will advise the user in writing at least thirty (30) days prior to removal of the credit.

Section 2. This ordinance shall take effect October 1, 2017, the public welfare requiring the same.

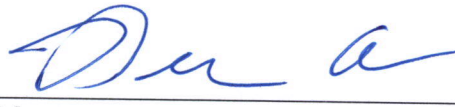
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Attest:

  
\_\_\_\_\_  
Commissioner of Finance & Revenue

Approved:

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Passed first reading: 7/18/17

Passed second reading: 8/01/17



## Stormwater Utility Fee Frequently Asked Questions



### **Q. Why are we implementing a stormwater utility fee?**

**A.** Federal and state regulations require the City of Lebanon to address the quality of stormwater runoff and the pollution carried by the water that is deposited untreated into our creeks, streams, and rivers. Stormwater quality management programs are responses to regulations from the Environmental Protection Agency (EPA) connected to the Clean Water Act.

### **Q. What is stormwater runoff?**

**A.** Stormwater runoff is the water that flows off roofs, driveways, parking lots, streets and other hard surfaces during rain storms. Stormwater runoff is also the rain that flows off grass surfaces and wooded areas that is not absorbed into the soil. The runoff that is not absorbed into the ground pours into ditches, culverts, catch basins and storm sewers. It does not receive any treatment before entering the streams and lakes.

### **Q. What is stormwater pollution?**

**A.** Water from rain or melting snow either seeps into the ground or “runs off” to lower areas, making its way into streams, lakes, and other water bodies. On its way, runoff water can pick up and carry many substances that pollute water. Examples of common pollutants include fertilizers, pesticides, pet wastes, sediments, oils, salts, trace metals, grass clippings, leaves and litter. Stormwater polluted runoff can be generated anywhere people use or alter the land, such as farms, yards, roofs, driveways, construction sites, and roadways.

### **Q. Why is stormwater runoff a problem?**

**A.** As precipitation falls on agricultural and undeveloped areas, it is primarily absorbed into the ground or slowly runs off into streams, rivers or other water bodies. However, development resulting in rooftops and paved areas prevent water from being absorbed and create a faster rate of runoff. This development often causes water quality and water quantity issues. In addition, stormwater can carry harmful pollutants, can erode topsoil and stream banks, destroy habitats, and cause flooding.

### **Q. Why do we need to manage our stormwater runoff?**

**A.** Stormwater runoff needs to be managed just as any other natural resource. First, management is needed to maintain the quality of our natural watercourses as drinking water supplies and for recreational activities such as swimming, fishing, water skiing, etc. Secondly, stormwater also needs to be managed to minimize damages that may occur when stormwater runoff exceeds the capacity of the pipes and open channels used to carry stormwater to our rivers and streams.

**Q. What is the City currently doing about these problems?**

A. Historically, the City has performed maintenance of the stormwater collection system, which includes cleaning, repair and replacement of the City's stormwater infrastructure. The City also regulates the effects of stormwater runoff from new development. Most recently, the Federal Government has mandated that all cities the size of Lebanon implement a series of programs and services to improve water quality.

**Q. What is the City's responsibility for storm water?**

A. The City is responsible for the water quality of natural streams within its jurisdiction as designed by the State and EPA. The City is also responsible for managing all aspects of stormwater within its jurisdiction. The City operates and maintains drainage facilities that are located within the public right-of-way or public easements. The City does not maintain facilities that are located on private property or that fall under the jurisdiction of other governmental jurisdictions.

**Q. How has the City paid for its stormwater services prior to the implementation of this new fee?**

A. Stormwater services have been funded solely by revenue collected from fees assessed on new development and with some General Fund (property tax) support. Stormwater must compete for these funds with other City services such as parks, roads, fire, police, etc. Due to the high demand on the General Fund over the past several years, the City has not been able to set aside enough funds to adequately address all the City's stormwater needs. Although the City has done a good job managing the existing program on a limited budget, the backlog of stormwater projects has grown and the new, federally mandated programs that must be implemented have strained existing resources.

**Q. Why has the City of Lebanon chosen to implement a separate fee for stormwater management?**

A. By establishing a dedicated funding source through stormwater fees, the City can ensure that the revenue required to manage and to maintain this important system is available. Fees will support the development of a comprehensive stormwater management and water quality improvement plan, as mandated by the Federal and State governments. Additional funds raised through the stormwater fee will also allow the City to provide an increased level of system maintenance and repair that is necessary to support the aging infrastructure in Lebanon. Finally, the utility fees will enable the City to construct necessary capital improvement projects to reduce the risk to public health and safety.

**Q. What is the basis for the fee that is charged?**

A. The stormwater utility fee is based on the square footage of impervious surface area on your property.

**Q. What is impervious surface area?**

A. Impervious surface area is any surface that does not readily absorb water and impedes the natural infiltration of water into the soil. In terms of the ordinance, it means the number of square feet of horizontal surface covered by buildings, and other impervious surfaces. Common examples include buildings, building foundations, storage tanks, pavement, parking areas & driveways, sidewalks, runways, hardened athletic courts, patios, decks, gravel surfaces, areas of packed unvegetated soil, swimming pools/paved areas surrounding swimming pools, or any other impermeable surface.

**Q. Why do I have to pay a stormwater fee?**

A. The City is responsible for compliance with Federal and State regulations on water quality as well as providing stormwater management facilities and services. This includes installation and maintenance of storm drains, inlets, and ditches as well as ensuring State programs such as erosion and sediment control are provided on construction sites. All of these services are performed to protect personal and public property as well as provide for a healthy environment. Funding is not provided by Federal or State government for these services.

**Q. When will the stormwater fee take effect?**

A. The Stormwater Utility Fee was adopted by Council within the FY 2017-2019 City of Lebanon Budget (June 2017). The formalized ordinance establishing a utility for stormwater management and creating an enterprise fund and a method of funding was adopted **July 2017**). It is anticipated that stormwater fees will be added to City of Lebanon utility bills as a separate line item beginning **October 2017**.

**Q. Why is there a stormwater fee instead of a tax?**

A. A property's value does not affect runoff, so property taxes are not the most equitable way to pay for stormwater services. For example, a high-rise building and a shopping mall may have similar value and pay similar property taxes. However, the shopping center produces more runoff because of the amount of parking and rooftops. The fee system ensures the shopping center (the property with the greater amount of impervious surface) pays a higher stormwater fee than the high rise (which has fewer square feet of impervious surface).

**Q. Are tax-exempt properties also exempt from the stormwater fee?**

A. No, because it is a fee - not a tax. Taxes are based on the value of the property. The stormwater fee is assessed based on the amount of impervious surface on the property (i.e. hard surfaces such as roofs, driveways and parking lots), which is directly related to the amount of runoff the property produces. The runoff generated by these impervious surfaces contributes to pollution and flooding problems, therefore all property owners should pay their share of the costs.

**Q. How will residential properties be billed?**

A. Residential properties (single-family homes) with 400-1500 square feet of impervious area (base area determined by data from Wilson County Tax Assessor's Office) will be charged a rate of \$1.50 each month (R-Tier 1). Residential (single-family homes) with greater than (>) 1500 square feet of impervious area will be charged a rate of \$2.50 each month (R-Tier 2). Duplex fees will be calculated as above, however the rate will be split equally between tenants (R-Tier 3). If you are located in other types of non-single-family property (residential condo, townhouse, etc) the fee will be set at \$3.50 (per unit) each month. Note: Apartments are not categorized as residential property. Apartments are categorized as non-residential property (see next question below) meaning apartment owners are responsible for fees at the non-residential rate.

**Q. How are non-residential property fees determined?**

A. All remaining properties (those that are not categorized as residential above) are considered to be non-residential (NR) properties. Non-residential properties area also billed based on amount of impervious area:

<u>NR-Tier</u>	<u>Non-Residential Impervious Area (square feet)</u>	<u>Monthly fee</u>
-	Less than (<) 400 sq. ft.	\$0.00
NR-Tier 1	400-6,000 sq. ft.	\$15.00
NR-Tier 2	>6,000-15,000 sq. ft.	\$25.00
NR-Tier 3	>15,000-35,000 sq. ft.	\$35.00
NR-Tier 4	>35,000-60,000 sq. ft.	\$50.00
NR-Tier 5	>60,000-100,000 sq. ft.	\$75.00
NR-Tier 6	>100,000-300,000 sq. ft.	\$200.00
NR-Tier 7	>300,000-1,000,000 sq. ft.	\$400.00
NR-Tier 8	>1,000,000 sq. ft.	\$600.00

**Q. What if I disagree with the impervious area measurement used to determine my stormwater fee?**

A. To report a stormwater/drainage concern or problem, please visit City of Lebanon's website <http://tn-lebanon.civicplus.com/> and select any of the following paths:

- **Government >City Council >Report Drainage Concerns/Issues**
- **Services >Report a Drainage Concern**
- **How Do I... >Report Drainage Concerns**

**Q. Is there anything I can do to reduce my fee?**

A. Yes, the City is in the process of developing a fee reduction/credit manual that will provide opportunities for **non-residential** customers to reduce their monthly fee. Credits/reductions will be awarded to customers that install best management practices on site that will reduce the runoff burden to the City's stormwater system. More information will be available in the City's Stormwater Utility Fee Credit Manual.

**Q. What will the money collected by the Stormwater Utility be used for?**

A. The fees will pay for annual compliance requirements of the City's National Pollutant Discharge Elimination System (NPDES) MS4 permit, which is a program mandated by the State and Federal government. Revenue generated by this fee will also be used to fund all stormwater-related services, which include enforcement of the City's stormwater ordinances, planning for future impacts, stormwater infrastructure maintenance and repairs, construction of necessary capital improvement projects and associated property acquisitions.

**Q. Do other cities have a stormwater fee?**

A. Many cities in Tennessee (and over 1,300 nationwide) have a stormwater utility and fee. In middle Tennessee, cities such as Goodlettsville, Murfreesboro, Franklin, Smyrna, White House, Spring Hill, Springfield, Portland, and Nashville have stormwater utility fees. Gallatin and Hendersonville are both in process of enacting a stormwater utility fee.

**Q. What are the goals of City of Lebanon's stormwater program?**

A. The stormwater program focuses on improving and protecting the quality of our streams, rivers, and lakes and focuses on reducing the potential for loss of life or property due to flooding.

**Q. Why do I have to pay when I do not have any drainage problems?**

A. Everyone in the City benefits from the Stormwater Management Program even if they do not experience drainage problems on their property. The City services all citizens in providing programs and funding to manage stormwater quality and manages increases in runoff and pollutants. Direct benefits include: complying with Federal and State mandates, educating our children about pollution, improving water quality, providing safe roadways, protecting your property from upstream runoff, and protecting property downstream from your runoff.

**Q. I have a stormwater/drainage concern in my yard. How do I get help with this problem?**

A. To report a stormwater/drainage concern, please visit City of Lebanon's website <http://tn-lebanon.civicplus.com/> and select any one of the following paths to submit a form:

- **Government >City Council >Report Drainage Concerns/Issues**
- **Services >Report a Drainage Concern**
- **How Do I... >Report Drainage Concerns**

Some drainage complaints that the City receives are for problems on private property that the City has no authority to address (the existence of a Stormwater Utility will not change that). Submit your request using the online form and the City will investigate your concern and advise you of what action can be taken and whether or not the City will be able to help resolve.



**To learn more about City of Lebanon's Stormwater Program,  
please visit:**

**<http://tn-lebanon.civicplus.com/251/Storm-Water-Water-Sewer-Inspection>**



**STORMWATER  
AND  
DRAINAGE  
PROJECTS POLICY**

July 2017

The purpose of this document is to help clarify the City of Lebanon drainage policy as it pertains to stormwater projects and drainage system maintenance.

The City of Lebanon is not responsible for the maintenance or repair of privately-owned property. With the purchase of property in the City of Lebanon, it is implied that the property owner is responsible for the general maintenance and upkeep of their property, including any easements. Property with natural drainage features such as creeks, streams, swales, or wet weather conveyances will carry increased amounts of stormwater runoff during rainy periods and consequently will have higher maintenance requirements than other properties as well as a greater potential for flooding. Prospective property owners should be aware of this fact before committing to purchase property with these types of features.

The purpose of a platted drainage easement is to allow and generally control the flow of stormwater within a designated area and allow City of Lebanon staff right of access for repair as needed for structures such as pipes, culverts, etc., that drain public property into the easement. The City's responsibilities, as it relates to the drainage easement, are to maintain positive flow from public use property (generally the road right-of-way) into the easement, to ensure that the easement does not become obstructed or encroached upon thus contributing to flooding of roadways or homes on adjacent properties, and to ensure that the water is reasonably contained within the dedicated easement. All other general maintenance and repair of the easement is the responsibility of the property owner. Property owners must understand that during certain heavy / intense rainfall events, drainage ways and low-lying areas are subject to flooding.

The City of Lebanon receives many requests for drainage improvements by its citizens, and the need for drainage improvements and maintenance may sometimes necessitate that the City work on private property. However, it cannot be inferred from this policy that the City will correct drainage problems on private property. In order for a drainage request to be considered, the following criteria must be met:

- The project must involve drainage discharging directly from a public street or right-of-way.
- If the project does not lie within a public right-of-way, it must involve a platted or recorded drainage easement. Drainage easements which run from the rear lot line to the street or between houses or lots will be reviewed by the Engineering Department for eligibility on a case-by-case basis. Projects may be performed without specific easements where conditions constitute an emergency.
- All necessary easements (temporary or permanent) must be provided to the City of Lebanon by all affected property owners at no acquisition costs to the City prior to any construction activity.
- Projects must meet current engineering design standards as interpreted by the Engineering Department.

Typical stormwater projects include but are not limited to:

- Repairing clogged or collapsed road culverts.
- Working on roadside ditches that need to be redefined.
- Severe erosion that threatens roadways, utilities, or streams.
- Cleaning and replacing closed storm systems within the City of Lebanon right-of-way.
- Allowing discharge of stormwater from the public right-of-way to a reasonably acceptable downstream location.

The City of Lebanon will ***not*** perform drainage projects:

- To improve aesthetics or to aid in property development.
- To provide routine maintenance such as grass mowing or brush or tree clearing of swales or ditches.
- To perform any routine maintenance or repair on any stream, ditch, or swale that exists on private property.
- To perform any maintenance or repair on any closed system on private property that exists solely to drain that property.
- To deal with water that flows from one private property to another, underground springs, or wetlands.
- To alleviate water standing in a ditch or yard.
- To correct drainage problems caused by landscaping, swimming pools, or roof gutter problems.
- To correct drainage problems caused by infrequent major storm events greater than a ten-year recurrence interval.
- To pipe roadside ditches to make mowing easier.

To be consistent with NPDES stormwater best management practices, the City of Lebanon discourages any unnecessary piping of drainage ways. Routing stormwater through grassed swales and channels allows the water to infiltrate back into the ground and provides a means of natural pollutant filtration. At times, property owners take it upon themselves to install pipes in roadside ditches within the City of Lebanon right-of-way without permission from the City. This is done for many reasons such as ease of mowing, on-street parking, etc. The City does not generally allow piping of roadside ditches by private property owners. The ditches exist to provide drainage for the street and installing pipe without appropriate curbing and catch basins to direct water into the pipe can, and often does, lead to drainage problems such as street flooding and flooding of private property. The City has the right to remove any unauthorized pipe from ditches located within the right-of-way and is not obligated to reimburse the installer of the pipe.

If the above criteria are met, the following policy may apply:

The total amount to be spent for drainage projects will be determined by the Commissioner of Public Works during budget preparations each year or as amended by City Council. Contingent upon funds available, the City may utilize either City of Lebanon staff and resources or private contractors. In either situation, the City of Lebanon will be responsible for the drainage investigation and survey, engineering design, installation of materials, and labor associated with the drainage modification. Requests for stormwater service will generally be handled on a first-come basis. However, maintenance activities that address health and safety will take priority. After consideration of health and safety concerns, service requests will be evaluated by Engineering staff and the Commissioner of Public Works. Generally, higher-ranking projects receive priority consideration, although a more expensive higher-ranking project may be passed over for a less expensive lower-ranking project based on availability of funds, difficulty of project execution, available resources, or any number of other factors. The City of Lebanon will generally not be responsible for replacing yard features placed in a drainage easement that have to be removed for maintaining or constructing stormwater drainage systems. Yard features include but are not limited to tree shrubs, gardens, driveways, patios, fences, sheds, mailboxes, and light fixtures.

**THE CITY OF LEBANON RESERVES THE RIGHT TO DEVIATE FROM THIS POLICY FOR THE HEALTH, WELFARE, AND SAFETY OF THE COMMUNITY.**